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DE OFFICIIS

LIBRI TRES

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LIBRI TRES

WITH INTRODUCTION ANALYSIS AND COMMENTARY

BY THE

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...De officiis quae volumina ediscenda, non modo in manibus cotidie habenda nosti.—PLIN. praefat. nat. hist. § 22.

Quid aliis accidat nescio; me legentem sic afficere solet M. Tullius, praesertim ubi de bene vivendo disserit, ut dubitare non possim, quin illud pectus unde ista prodierunt aliqua divinitas occuparit.—ERASMUS ep. ad Ioannem Ulattenum.

Sic me totum inflammavit ad honesti virtutisque studium, ut iampridem nihil tale senserim, nostrates quosdam neotericos legens, qui Christiani Christianae philosophiae mysteria profitentur et iisdem de rebus magna, ut nobis videtur, subtilitate disserunt sed aeque frigide. IDEM ad Iacob. Tutorem praef. ad ed. Lugd. 1557.

Hos ego libros Ciceronis, si quos alios, dignos censeo qui adulescentulis in scholis explicentur...Delectat enim propositi ipsius, quod omnes vitae partes comprehendat, amplitudo, varietas praeceptorum, semper honestorum, sed saepe etiam acute ad vitam recte instituendam excogitatorum (veluti locum de beneficiis conferendis lib. II c. 20 admirabilem iudico): delectat ordo rerum accurate servatus: delectat etiam rerum Romanarum institutorumque patriorum frequens commemoratio, ut, quamvis utilitas praeceptorum generalis sit, tamen simul etiam penitus cognitione antiquitatis imbuare. Sermo excellit eleganti quadam gravitate, ut facile senem consularem cum filio, cuius causa omnia cupit, colloqui sentias; remotus est ille quidem a laeta ubertate, quam in orationibus, praecipue Verrinis, admiratur iuventus, quaque non diffiteor in primis ali eloquentiae quoddam Latinae studium; sed admirabilis est etiam haec adstricta maturitas, quae sicut nihil habet luxuriosum ac redundans, ita ab austeritate et siccitate longissime abest. ZUMPT praef. ad ed. min. p. vi.

ADVERTISEMENT

BOTH Text, Analysis and Commentary in this Third Edition have been again subjected to a thorough revision. To the explanatory notes I have found it necessary to add some sixty pages of new matter, while of the old compression here, expansion there, and, where superfluous or erroneous, excision has been employed unsparingly; numerous fresh illustrations have been given and frequent reference has been made to the Grammars of Zumpt, Madvig, Draeger, Kennedy, Key and Roby. A few notes will be found distinguished by the initials J. E. B. M.: for these I am indebted to Professor Mayor of Cambridge.

SCHOOL HOUSE, IPSWICH
September, 1879

PREFACE TO THE SECOND EDITION

THE present edition of the *de officiis* has been so much altered and enlarged that it may fairly lay claim to be considered a new work rather than a second edition of the volume published fifteen years ago. The latter laboured under so many blemishes and imperfections, which time and, I trust, more matured scholarship have enabled me to correct, that I could not rest satisfied without subjecting it to a thorough revision, notwithstanding the scanty leisure left me by arduous professional duties: under this process the commentary on the text has grown to double its original bulk, a large amount of explanation and illustration having been added to the notes, which have themselves been abridged and otherwise modified, in many cases entirely re-written.

I trust that the volume in its new form may satisfy the wants of more than one class of readers—I may now venture to add of both sexes.

An army of commentators has at various times been employed in explaining this which may perhaps be called the most popular of Cicero's writings; Orelli in his first edition of our author's entire works Vol. VI p. 334 ff. enumerates more than 250 separate editions: so that an editor has at his command a rich store of materials. The editions on which I have chiefly levied contributions are those of Heusinger, Zumpt, Beier and Heine. (See p. xliii.) Of the first his latest editor Zumpt justly remarks (ed. mai. praef. p. i) 'communi hominum doctorum opinione inter praestantissimas Latinorum scriptorum editiones censetur,' as exhibiting 'rectum iudicium et elegantem interpretandi simplicitatem. Habet enim in interpretando hoc praecipuum, quod et acute invenit in quo possis haerere et inventam difficultatem breviter ac dilucide explanat,' and again (ed. min. praef. p. v) 'perpauci libri sunt, quos magis cupiam in manibus eorum, quibus antiquae litterae curae cordique sunt, versari.' I have used with great advantage Zumpt's smaller edition of Heusinger which is enriched with some valuable remarks which are not to be found in the larger work. That of Beier contains amidst much irrelevant matter a profuse amount of more or less useful illustration, and, praiseworthy as it is in many respects, Zumpt, I think, rightly characterises it, when he says (ed. mai. praef. p. vii) 'sacco serens vera falsis, utilia inutilibus ita permiscet, ut ab ea quasi cena dubia libenter ad sobriam Heusingerorum disciplinam refugias.' The edition of Otto Heine, one of the excellent Haupt-Sauppe Classics, is a much

enlarged and improved edition of that before published by Unger. I have found great assistance from his commentary, which leaves few difficulties unnoticed. The Introduction prefixed to this edition is substantially a translation of his *Einleitung*. However much the possession of these aids and appliances has diminished editorial work, the mere task of selection and compression of materials, easy as it may appear to those who have had no experience of it, is a constant strain upon the judgment which requires no inconsiderable expenditure of time and labour.

Wherever the actual words of the annotator have been quoted, I have given his name: where the derived notes have undergone a change of form, I have not made any special acknowledgment of the original source from which they are taken. In the text I have followed for the most part the recension of Orelli's Cicero by Baiter and Halm, which must at present be considered the standard edition. In some passages, where a different reading has commended itself to my judgment, I have given that of Baiter in the *adnotatio critica*, and in any variations of importance added the readings of the principal editors.

SCHOOL HOUSE, IPSWICH
Jan. 28, 1869

INTRODUCTION

WHEN Brutus and Cassius failed in their attempts to establish the Republic on its old foundations, though 1
they had succeeded in taking the life of the Dictator, Cicero being debarred from taking part in public affairs by Antonius and feeling the insecurity of his own position left Rome towards the end of March A.U.C. 710, B.C. 44. He betook himself to his country houses, of which he possessed several in the West of Italy, and spent the summer first in one and then in another. During this period of compulsory leisure, full of anxiety, disappointed in the hopes which the death of Caesar had awakened in him and depressed by sorrow for the degradation of his country, Cicero sought and found distraction from politics and relief from gloom and disappointment in literary pursuits. He had been a student of philosophy from early youth and had improved himself in it partly by reading, partly by conversing with eminent philosophers[1]; even during Caesar's usurpation it had been his chief diversion, and his devotion to it was alike honourable to himself and profitable to his countrymen. The *Tusculanae disputationes* which he had already begun, and the books *de natura deorum*, were finished in the course of the summer of B.C. 44; during the same period he composed the essays *de senectute*, *de amicitia*, *de divinatione*,

[1] See n. to I § 155 l. 18.

de fato (which exists only in a mutilated form), the lost books
2 *de gloria*, and finally the *de officiis*. The first intimation of his being engaged in writing a treatise on Ethics occurs in a letter to his friend Atticus[2], written in June of that year: the work, however, was interrupted partly from his attempted journey to Greece[3], partly from his appearance in open antagonism to Antony on September 2d, when he delivered the first Philippic. In November he writes again to Atticus concerning the same treatise and we learn from his letter[4], that he had then completed the two first books and was engaged upon the third. The whole most probably appeared before the close of the year. This supposition is confirmed by the many allusions it contains to contemporary events. Thus he praises the murderers of Caesar[5], laments that his power did not end with his death[6], and censures Antony for overawing the senate by the presence of a body of soldiers[7], which he did at the time when the second Philippic was delivered, towards the end of September.

3 The division of his essay into three Books was suggested by the subject itself. The work being professedly intended for the purposes of instruction, Cicero does not dwell upon the conflicting doctrines of rival sects but endeavours rather to indicate directly those views which he regarded as the most correct and, rejecting the form of dialogue, enunciates the different precepts with the authority of a teacher addressing his pupil. As regards the title of the work, Atticus had doubts whether *de officiis* would be an exact translation of the Greek

[2] ad Att. XV 13, 6. [3] See n. to III § 121. [4] ad Att. XVI 11, 4 τὰ περὶ τοῦ καθήκοντος, *quatenus Panaetius, absolvi duobus: illius tres sunt; sed, quum initio divisisset ita, tria genera exquirendi officii esse, unum, quum deliberemus honestum an turpe sit, alterum utile an inutile, tertium, quum haec inter se pugnare videantur, quomodo iudicandum sit, qualis causa Reguli, redire honestum, manere utile; de duobus primis praeclare disseruit, de tertio pollicetur se deinceps, sed nihil scripsit. Eum locum Posidonius persecutus est, ego autem et eius librum arcessivi et ad Athenodorum Calvum scripsi, ut ad me* τὰ κεφάλαια *mitteret—quae expecto, in eo est* περὶ τοῦ κατὰ περίστασιν καθήκοντος. [5] III § 19. [6] II § 23 l. 26. [7] III § 1.

περὶ τοῦ καθήκοντος, because καθῆκον signifies what is 'suitable,' 'becoming.' Cicero replies to him[8]: *non dubito quin* καθῆκον *officium sit nisi quid tu aliud, sed inscriptio plenior de officiis:* and in another letter[9] *mihi non est dubium, quin, quod Graeci* καθῆκον, *nos officium; id autem quid dubitas quin etiam in remp. praeclare quadret? nonne dicimus consulum officium, senatus officium, imperatoris officium? praeclare convenit, aut da melius.*

Cicero resolved to dedicate the work to his son Marcus[10]. 4
Marcus Cicero was born A.U.C. 689, B.C. 65[11]. His father watched over his education with the greatest care, had him taught by the best masters[12] and wrote for his especial instruction the *de partitione oratoria dialogus*. In the civil war Marcus, then a youth of seventeen, joined the army of Pompey, from whom he received the command of a squadron of cavalry, probably only nominally, but to the satisfaction of his general[13]. After the battle of Pharsalia (B.C. 45), he was desirous of proceeding to Spain and taking part in the service of Caesar against his former friends. He was, however, induced by his father to abandon this project[14], and sent to Athens to prosecute his studies along with several other young Romans of distinguished family. Here, although provided with a liberal allowance[15], he fell into extravagant habits, but soon reformed his mode of life and became diligent in his application to philosophy under Cratippus of Mitylene, who was at that time head of the Peripatetic School[16]. After the death of Caesar, he was raised to the rank of military tribune by Brutus, and did much good service in the course of the Macedonian campaign. The attainder pronounced upon his father was extended to him also, without the Triumvirs, however, being able to injure him. When his party was broken up by the rout at Philippi, he joined Sextus Pompeius in Sicily and taking advantage of the amnesty in favour of exiles,

[8] ad Att. XVI 11, 4. [9] ad Att. XVI 14. [10] ad Att. XV 13, 6 προσφωνοῦμεν *Ciceroni. qua de re enim potius pater filio?* [11] ad Att. I 2. [12] ad Quint. fr. II 14, 2, III 3, 4. [13] de off. II § 45. [14] ad Att. XII 7. [15] ad Att. XII 27, 32. [16] ep. ad Att. XIV 16, XV 4, 6, 17, 20, XVI 1, ad fam. XII 16.

which was part of the convention between that chief and the triumvirs, returned to Rome. Here he lived in retirement until Octavianus assumed him as his colleague in the Consulship after Sept. 13 B.C. 30. Soon after the termination of his office, he was made Proconsul of Asia[17]. Of his later life we know nothing. He possessed none of the high qualities which marked his father's character, his ambition, his energy, application and self-denial,—one of the principal reasons, doubtless, why Cicero dedicated to him an essay on Duties. The impressive admonitions which the father addresses to his son (I § 3, III § 5 § 6 and § 121) prove that he was not altogether satisfied with his conduct, as is further shewn by some of his letters to Atticus[18] concerning him.

5 Cicero is too much of a Roman not to give a decided preference to a life of practical activity over that of the mere student, and the study of philosophy with him only served as an introduction to the profession of an orator. Whilst fully recognising the sublime enjoyment arising from the pursuit of knowledge[19], he maintains at the same time that man's natural inclination is rather to a life of public activity than of study, for knowledge is defective and incomplete unless it be made to serve some useful end[20]. The aim of all Philosophy is with him to ascertain the right method of action and the conditions of a happy life. He bestows especial praise therefore upon Socrates, because he was the first to divert the study of philosophy from occupying itself with questions of physics into its right channel[21], the domain of ethics; and in his own philosophical writings Logic and Physics are represented as inferior to Ethics and considered only so far as they have any practical bearing, the former as the groundwork of all philosophy and as especially important for the orator, the latter as a necessary

[17] Ramsay Life of Cicero in Smith's Dict. of Biogr. Vol. I p. 746.
[18] XIII 1, XIV 16, 2. [19] Tusc. disp. V 24, 68 ff. [20] de off. I § 19, § 142 ff, de fin. V c. 20 ff. [21] Tusc. V 4, 10 *Socrates primus philosophiam devocavit e caelo et in urbibus conlocavit et in domus etiam introduxit et coëgit de vita et moribus rebusque bonis et malis quaerere*, Acad. I 4 §§ 15, 16; Senec. ep. mor. lxxxix, 18 *quidquid legeris, ad mores statim referas.*

supplement to Ethics, and because the question concerning the relation of God to the world is of importance for our happiness and the right conduct of life. On the other hand Cicero had himself bestowed most thought on Ethics and sought to form his own conclusions, although he had not enough originality of genius to introduce any new theory, and was deficient in the philosophical training necessary for the production of a complete system. The negative character of his convictions is seen especially in his rejection of the Epicurean doctrine of Pleasure, while he wavers as if unable to make up his mind between the Stoics and Peripatetics where these two schools are not in accordance. Setting aside those of 6
his minor writings which refer to ethics, as the *de amicitia* and *de senectute*, we can easily recognize the connexion which subsists between the rest. Thus in the five books *de finibus* he compares and discusses the opinions of the three Greek schools, the Epicurean, the Stoic and the Peripatetic, on the question what is the supreme good—the fundamental principle of practical wisdom—and thus lays the foundation for future superstructure. In the *Tusculanae disputationes* he examines various leading points of ethical philosophy, viz. such as belong to Psychology, in the discussion of which he handles the dogmas of the Stoic, Academic and other schools as an eclectic rather than in a sceptical and polemical spirit. The three books *de officiis* are taken up with the paraenetic part of ethics, the precepts of practical philosophy, and are thus connected with the work *de finibus*. As to the *commentarius de virtutibus*, mentioned by Charisius II p. 200 ed. Keil[22], it is not known in what relation it stood to the above books. It was, anyhow, a supplementary treatise, but it seems to have been a collection of dogmas rather than a work elaborated for publication.

Cicero acknowledges himself a follower of the Academy as 7
revived by Karneades, in regard to the dogma that man cannot know anything for certain, but it would be wrong to consider him for this reason a Sceptic in the proper sense of the word. The object of his Scepticism was not to prove the im-

[22] Augustinus de trinit. XIV 11

possibility of all knowledge but, starting from the axiom that absolute certainty is unattainable in questions of speculative philosophy, to find out by inquiry that which after sifting all the conflicting opinions of philosophers has most probability in its favour and thus to secure himself against the foolish presumption of those who would establish absolute certainty, where certainty is impossible (II § 8, Acad. II 3, 7). In place of absolute and certain knowledge he prefers the probable, *probabile.* In all questions of a purely speculative nature we must, he says, rest satisfied with this, except where in particular questions, such as that concerning the existence of the gods, the inborn sense is so strong that probability becomes
8 certainty[23]. But as philosophy has to teach us only the right method of conduct, these speculative questions are of secondary importance in comparison with those of a practical bearing, and in order to secure us against error in our actions, the discovery of the *probabile* is enough, as Karneades taught[24]. Our natural feeling of what is right and on the other hand the evidence of our senses make it possible to distinguish the True from the False. The objection therefore against Cicero, that as a Sceptic he had no right to lay down definite rules[25] on moral obligations, is groundless and all the more so, because in his ethical treatises he has avoided Scepticism more than in his other writings. From a positive point of view he rejects the doctrine of Epicurus and agrees with the principles of the Stoics and Peripatetics, and particularly in questions of special morality he does not admit Scepticism at all. In fact he lays down in this branch of Ethics a definite system, though he certainly fails to carry it out with much consistency, modifying it when practical interests require and supplementing it with additions borrowed from other systems, even if these do

[23] Tusc. disp. I 16, 36 *deos esse natura opinamur.* [24] Acad. prior. II § 99 *quidquid acciderit specie probabile, si nihil se offeret, quod sit probabilitati illi contrarium, utetur eo sapiens, ac sic omnis ratio vitae gubernabitur. Etenim is quoque, qui a vobis sapiens inducitur, multa sequitur probabilia non comprehensa neque percepta neque adsensa sed similia veri; quae nisi probet, omnis vita tollatur*, ib. § 104. [25] de off. II § 7.

not wholly coincide with the principles originally advanced
by him. It is one of his characteristics that, following in 9
the steps of his contemporary Antiochus the Academic, he strives to reconcile the different schools of philosophy and to obliterate their antagonism. Thus he not only disregards the distinction between the sceptics of the new Academy and the school of Plato[26], but maintains also that there was no material difference between the Platonics and Peripatetics[27]. Even the Stoics, he contends, have borrowed all from the Academics and Peripatetics and changed the names only[28], or, even if we recognize any difference between them and the Peripatetics, such difference can exercise no influence on special Morality[29]. In other places, however, Cicero points out the distinction between the two schools[30], without regard to the contradiction in which he thereby involves himself.

Of all the philosophical systems that prevailed at Rome 10
the Epicurean was the one which Cicero most disliked[31]: he is sometimes even unjust to it, and in his attacks upon it exhibits more rhetorical pathos than philosophical argument[32]. Thus his choice lay between the Stoic, Peripatetic and Academic schools, the latter of which at that time, having been reformed by Antiochus, sought to reconcile the other two. He finds fault with the Peripatetics because in their theory of the affections they justify fear and anger as natural and do not attempt to eradicate such weaknesses[33]. In ethics also he was influenced more or less by Antiochus, as the books *de finibus* shew. But on the whole he decided in favour of the Stoics, as far as ethics were concerned, not only by propounding their views, but also by borrowing from them whenever it

[26] de nat. deor. I § 11. [27] de off. I § 2 *nostra legens non multum a Peripateticis dissidentia, quoniam utrique Socratici et Platonici volumus esse*, de finn. V § 7. [28] de fin. V § 22 *restant Stoici, qui cum a Peripateticis et Academicis omnia transtulissent, nominibus aliis easdem res secuti sunt*, ib. § 74. [29] de finn. V § 76 f., de off. III § 33. [30] Acad. I c. 10. [31] de off. III c. 33. [32] de fin. l. II. [33] de off. I § 89, Tusc. disp. IV § 43 *quid, quod iidem Peripatetici perturbationes istas, quas nos extirpandas putamus, non modo naturalis esse dicunt sed etiam utiliter a natura datas.*

11 suited his purpose[34]. In the philosophy of the Stoics he found the doctrine of duties carried into detail: their system more than any other represented man as independent of external circumstances, and it appeared to him nobler and greater to say with the Stoics that the morally good is alone and at all times expedient, than to maintain with others that there are virtuous actions which are not expedient, and expedient which are immoral[35]. Notwithstanding he cannot accept all their conclusions. Much is uncouth and offends against good manners and natural feeling, by which he is guided more than by philosophic conviction. The refined Roman has a great horror of all cynical rudeness, from which the Stoics are not wholly exempt[36]. The notion also that the wise man may be happy under pain and ought to be wholly independent of external circumstances, while it seems to him sublime, is too much opposed to his own instinctive feeling not to admit of some concession to the Peripatetics[37]. Above all he regards as absurd the Stoic paradox, that all unwise men—and such all men are, properly speaking, according to the Stoics—are unwise, all bad men bad, in an equal degree, all foolish men equally foolish[38], that, short of the standard of perfection, all faults and vices are of equal magnitude: the first of these dogmas he ignores in the *de officiis*, and of wrongs he says that those done from thoughtlessness are less criminal than such as are wilful and premeditated[39]. He commends highly the preference which they assign to a life of practical activity over one of philosophical contemplation[40]. The Stoics say that a wise man should at least take some part in the state, where an inclination to progress manifests itself: so Cicero calls it cowardice and neglect of duty to their country, if those who have the ability do not devote themselves zealously to the public service[41].

[34] de fin. I § 6, de off. I § 6. [35] de off. III § 20. [36] de off. I § 128. [37] de finn. V 26, 77 f., Tusc. II 13, 30. [38] de finn. IV § 77 *quoniam, inquiunt, omne peccatum imbecillitatis et inconstantiae est, haec autem vitia in omnibus stultis aeque magna sunt, necesse est paria esse peccata* etc. [39] de off. I § 27. [40] de off. I § 19, c. 43 f. [41] de off. I § 72.

As Cicero does not present us with a connected view of the 12
principles of the Stoic philosophy in the *de officiis*, though he frequently refers to them, a brief view of the salient points of their system will not be out of place, so far as they bear upon this treatise. The whole ethical philosophy of the Stoics, as Cicero often says[42], concerns the question of the supreme good. What is that which possesses the highest value for us, which we desire not for the sake of anything else but for its own sake and by which we are influenced in all our actions as the highest principle (*τέλος οὗ ἕνεκα πάντα πράττεται, αὐτὸ δὲ πράττεται μὲν οὐδενὸς δὲ ἕνεκα*[43])? In order to find this, the Stoics enquired what was the primary impulse of all creatures (*πρώτη ὁρμή, principium naturale*), and found it to be the instinct of self-conservation[44]. In other words, the natural appetite or tendency of all creatures is to preserve their existing condition with its inherent capacities, and to keep clear of destruction or disablement. For, said they, it is manifest from the observation of animals and little children that their instinct directs them to love that which furthers their nature and is agreeable to it, and teaches them to avoid what is opposed to and destructive of it[45]. All, therefore, which conduces to the advance and improvement of the bodily and spiritual nature of man, belongs to the original things which are agreeable to nature, *πρῶτα κατὰ φύσιν, principia naturalia, prima naturae* (de finn. III § 21). These are in part common to man with animals, inasmuch as man's nature is in part the same as that of animals. Had the Stoics stopped with the principle that the acquisition of what is necessary for self-preservation was the highest good, they would have arrived at that unlimited egoism which meets us everywhere in animal nature, but they continued their deduc-
tions in the following manner. What is the highest good for 13
each creature, what the highest object of his endeavour, must be determined by the peculiar and distinguishing part of his being;

[42] de finn. III c. 5, de off. I c. 4. [43] Stobaeus ecl. ethic. II p. 138. [44] Diogenes Laertius VII 85 *πρῶτον οἰκεῖον λέγων εἶναι παντὶ ζώῳ τὴν αὑτοῦ σύστασιν καὶ τὴν ταύτης συντήρησιν.* [45] Diog. Laert. VII 85, de finn. III § 16, de off. I c. 4.

and this in man is Reason. While other sentient beings are intent only upon the sensual, and find therein what satisfies the highest cravings of their nature, for Man what is agreeable to nature is what is agreeable to Reason, *τὸ καλόν*, Cicero's *honestum*. Reason, however, occupies itself with our relation to external things and the selection to be made from among them. The selection then of things agreeable to Nature must be with him only such an one as is consistent and uniform with Reason. This is his primary duty. But the highest good for beings endowed with Reason cannot lie in external things, it must lie only in the exercise of his Reason, consequently in action[46]. So then, the supreme Good for men consists not simply in the things which are in themselves agreeable to Nature, but in the rational selection of them, in the efforts made to attain them consistently with Reason, in a word, in the action agreeable to Reason (*honesta actio*[47]). He who acts according to reason is thereby in possession of the supreme good, whether by his action he obtain possession of external things or not, the acting continuously according to nature is the foundation of the lasting possession of this supreme good, or, in the language of the Stoics, the life in accordance with reason (*εὔροια βίου*, 'even flow of life'[48]) is perfect happiness,
14 *εὐδαιμονία* itself. This conclusion, they thought, is warranted by experience. Man at the first period of his life is interested only in that which is agreeable to the physical part of his nature, in process of time, however, as soon as his spirit begins to grow and form itself, he recognizes the beauty of virtue and spiritual harmony, and then everything else seems to him mean and insignificant in comparison[49]. Wherein, then, consists that which

[46] M. Aurelius IX 16, de finn. III § 20 *initiis ita constitutis, ut ea, quae secundum naturam sunt, ipsa propter se sumenda sint, contrariaque item reicienda, primum est officium—id enim appello καθῆκον—ut se conservet in naturae statu, deinceps ut ea teneat, quae secundum naturam sint pellatque contraria; qua inventa selectione et item reiectione sequitur deinceps cum officio selectio, deinde ea perpetua, tum ad extremum constans consentaneaque naturae, in qua primum inesse incipit et intellegi, quid sit quod vere bonum possit dici* etc. [47] Diogen. Laert. VII 28 *ὁ μὲν οὖν Διογένης τέλος φησὶ ῥητῶς τὸ εὐλογιστεῖν ἐν τῇ κατὰ φύσιν ἐκλογῇ.* [48] Stob. Ecl. II 138.

is agreeable to Reason? This question can only be answered in detail, if we consider the various promptings of reason, of which we shall speak later, but, in general, the answer to it presents itself that man's reason is but a part of and efflux from the universal reason, which pervades, shapes and rules the whole world. Whatsoever, therefore, divine reason prescribes as law, harmonizes also with man's reason, and so the life according to reason (*ὁμολογουμένως ζῆν*) is to be sought no less in the harmony with its own than with the laws of universal reason.

That state of the soul which qualifies us for such a perfect life 15
is Virtue, or perfected disposition, which is accordingly defined as *διάθεσις ὁμολογουμένη* or *διάθεσις τῆς ψυχῆς σύμφωνος ἑαυτῇ περὶ ὅλον τὸν βίον*[50]. As then Virtue is not desired from fear or hope of something else, but for its own sake, because it is the highest good (*αὐτοτελές*), so is it also perfect happiness, which according to the nature of the soul consists only in its having perfect harmony with itself and with the godlike. On the other hand it follows from this that what is immoral is the supreme absolute evil. This axiom of the Stoics puts them in direct opposition to the Epicureans, who acknowledge that virtue is a great good, but only for the advantages which it confers; while the practical application of it leads them into conflict with all other schools of philosophy. All other 16
desirable things, such as wealth, dignity, power, health, in one word all external advantages, which are not in our own power, are desired not for their own sake but for the happiness which they procure. They are not expedient in all cases, but may be sometimes harmful, they may be employed not only for good but also for evil[51]. The Stoics

[49] de finn. III § 21, de off. I § 11, A. Gell. noct. Att. XII 5, 7. [50] Diogen. Laert. VII 87 *πάλιν δ' ἴσον ἐστὶ τὸ κατ' ἀρετὴν ζῆν τῷ κατ' ἐμπειρίαν τῶν φύσει συμβαινόντων ζῆν·—διόπερ τέλος γίγνεται τὸ ἀκολούθως τῇ φύσει ζῆν· ὅπερ ἐστὶν κατ' ἀρετὴν αὑτοῦ καὶ κατὰ τὴν τῶν ὅλων, οὐδὲν ἐνεργοῦντας, ὧν ἀπαγορεύειν εἴωθεν ὁ νόμος ὁ κοινός*, Cic. de leg. I § 25 *est autem virtus nihil aliud nisi perfecta et ad summum perducta natura*, Stobaeus ecl. eth. p. 104, de off. III § 13. [51] Diogen. Laert. l. c. 102 *ἀγαθὰ μὲν οὖν φασι τάς τε ἀρετάς, κακὰ δὲ τὰ ἐναντία· οὐδέτερα δέ, ὅσα μήτε*

therefore did not allow the name of 'good' to these possessions, for that only is good which is to be desired for its own sake. The happiness which virtue produces is perfect in itself and cannot be increased by the addition of these external possessions, nor lessened by their absence. On the other hand, they cannot confer happiness upon those who do not possess virtue. The most wicked man may possess them without being made either less wicked or unhappy by them; the virtuous man does not need them, his happiness is complete without. All external things therefore are, as far as the happiness of man is concerned, indifferent (ἀδιάφορα). Consequently the contrary things, such as poverty, sickness, are no evils,

ὠφελεῖ μήτε βλάπτει· οἷον ζωή, ὑγίεια, ἡδονή, κάλλος, ἰσχύς, πλοῦτος, δόξα, εὐγένεια, καὶ τὰ τοίτοις ἐναντία, θάνατος, νόσος, πόνος, αἶσχος, ἀσθένεια, πενία, ἀδοξία, δυσγένεια καὶ τὰ τούτοις παραπλήσια· μὴ γὰρ εἶναι ταῦτα ἀγαθά, ἀλλὰ ἀδιάφορα, κατ' εἶδος προηγμένα· ὡς γὰρ ἴδιον θερμοῦ τὸ θερμαίνειν, οὐ τὸ ψύχειν, οὕτω καὶ ἀγαθοῦ τὸ ὠφελεῖν, οὐ τὸ βλάπτειν, οὐ μᾶλλον δὲ ὠφελεῖ ἢ βλάπτει ὁ πλοῦτος καὶ ἡ ὑγίεια· οὐκ ἄρα ἀγαθὸν οὔτε πλοῦτος οὔτε ὑγίεια· ἔτι τέ φασιν, ᾧ ἔστιν εὖ καὶ κακῶς χρῆσθαι, τοῦτο οὐκ ἔστιν ἀγαθόν· πλούτῳ δὲ καὶ ὑγιείᾳ ἔστιν εὖ καὶ κακῶς χρῆσθαι· οὐκ ἄρα ἀγαθὸν πλοῦτος καὶ ὑγίεια... ἀλλ' οὐδὲ τὴν ἡδονὴν ἀγαθόν φασιν· εἶναι γὰρ καὶ αἰσχρὰς ἡδονάς· μηδὲν δὲ αἰσχρὸν εἶναι ἀγαθόν:...διχῶς δὲ λέγεσθαι ἀδιάφορα· ἅπαξ μέν, τὰ μήτε πρὸς εὐδαιμονίαν μήτε πρὸς κακοδαιμονίαν συνεργοῦντα, ὡς ἔχει πλοῦτος ὑγίεια ἰσχὺς δόξα καὶ τὰ ὁμοῖα· ἐνδέχεται γὰρ καὶ χωρὶς τούτων εὐδαιμονεῖν, τῆς ποιᾶς αὐτῶν χρήσεως εὐδαιμονικῆς οὔσης ἢ κακοδαιμονικῆς. ἄλλως δὲ λέγεται ἀδιάφορα, τὰ μήτε ὁρμῆς μήτ' ἀφορμῆς κινητικά· ὡς ἔχει τὸ ἀρτίας ἔχειν ἐπὶ τῆς κεφαλῆς τρίχας ἢ περιττάς, ἢ ἐκτεῖναι τὸν δάκτυλον ἢ συντεῖλαι· τῶν προτέρων ἀδιαφόρων οὐκέθ' οὕτω λεγομένων. ὁρμῆς γάρ ἐστιν ἐκεῖνα καὶ ἀφορμῆς κινητικά...τῶν ἀδιαφόρων τὰ μὲν λέγουσι προηγμένα, τὰ δὲ ἀποπροηγμένα· προηγμένα μὲν τὰ ἔχοντα ἀξίαν...οἷον ἐπὶ μὲν τῶν ψυχικῶν εὐφυΐαν τέχνην προκοπὴν καὶ τὰ ὁμοῖα· ἐπὶ δὲ τῶν σωματικῶν, ζωὴν ὑγίειαν ῥώμην εὐεξίαν ἀρτιότητα κάλλος· ἐπὶ δὲ τῶν ἐκτός, πλοῦτον δόξαν εὐγένειαν καὶ τὰ ὅμοια· ἀποπροηγμένα δέ, τὰ ἀναξίαν ἔχοντα, ἐπὶ μὲν τῶν ψυχικῶν ἀφυΐαν ἀτεχνίαν καὶ τὰ ὅμοια· ἐπὶ δὲ τῶν σωματικῶν θάνατον νόσον ἀσθένειαν καχεξίαν πήρωσιν αἶσχος καὶ τὰ ὅμοια· ἐπὶ δὲ τῶν ἐκτός, πενίαν ἀδοξίαν δυσγένειαν καὶ τὰ παραπλήσια· οὔτε δὲ προήχθη οὔτε ἀποπροήχθη τὰ οὐδετέρως ἔχοντα· ἔτι τῶν προηγμένων τὰ μὲν δι' αὑτὰ προῆκται τὰ δὲ δι' ἕτερα, τὰ δὲ καὶ δι' αὑτὰ καὶ δι' ἕτερα. δι' αὑτὰ μὲν εὐφυΐα προκοπὴ καὶ τὰ ὅμοια· δι' ἕτερα δὲ πλοῦτος εὐγένεια καὶ τὰ ὅμοια, δι' αὑτὰ δὲ καὶ δι' ἕτερα ἰσχὺς εὐαισθησία ἀρτιότης. δι' αὑτὰ μέν, ὅτι κατὰ φύσιν ἐστί· δι' ἕτερα δέ, ὅτι περιποιεῖ χρείας οὐκ ὀλιγάς. ὁμοίως δὲ ἔχει καὶ τὸ ἀποπροηγμένον κατὰ τὸν ἐναντίον λόγον.

the only evil is that which is morally bad. This identity of the morally good and the expedient the Stoics expressed by the axiom *μόνον ἀγαθὸν τὸ καλόν*, *nihil honestum nisi quod utile, nihil utile nisi quod honestum.*

The good man will take these outward possessions only for 17
what they are worth, he will despise all happiness or unhappiness that proceeds from them (*omnia humana contemnet*), and will not allow the impassive calm of his soul (*ἀταραξία*), wherein consists what is rational, to be disturbed by them. He is therefore free from all passion, from sorrow, from excessive joy, and no less from fear and repentance. He who possesses this true virtue is pronounced by the Stoics to be the 'Wise Man.' He is the perfect, the absolutely virtuous, happy and independent man.

According to this definition of virtue, since the most perfect 18
state of mind is produced by an uninterrupted harmony with reason, it is as impossible to imagine a gradation of virtues, as to possess one virtue isolated from the others. The virtue of the Stoics is therefore no quality of the mind (*ἕξις*), which each man may possess in a greater or less degree and improve by practice, but a definite and unchangeable condition (*διάθεσις τῆς ψυχῆς*), which is as different from the condition of the non-virtuous soul as a straight line is from a crooked one[52]. All wise men are equally virtuous, equally happy, and there is nothing midway between good and evil. This perfect state of mind one can only have or not have, all unwise men therefore are equally wicked and unhappy, slaves of their passions and of outward circumstances; nothing is expedient to them, they can do nothing right; and, as the Stoics further teach that Mind alone has any worth, the mode and manner in which it exercises itself is indifferent; they considered all faults on a

[52] Diogen. Laert. VII 98 *ἔτι δὲ τῶν περὶ ψυχὴν ἀγαθῶν τὰ μέν εἰσιν ἕξεις, τὰ δὲ διαθέσεις· τὰ δ' οὔτε ἕξεις οὔτε διαθέσεις, διαθέσεις μέν, αἱ ἀρεταί· ἕξεις δὲ τὰ ἐπιτηδεύματα· οὔτε δὲ ἕξεις οὔτε διαθέσεις, αἱ ἐνέργειαι· κοινῶς δὲ τῶν ἀγαθῶν μικτὰ μέν ἐστιν εὐτεκνία καὶ εὐγηρία· ἁπλοῦν δ' ἐστὶν ἀγαθόν, ἐπιστήμη. καὶ ἀεὶ μὲν παρόντα, αἱ ἀρεταί· οὐκ ἀεὶ δέ, οἷον χαρά, περιπάτησις*, Stobaeus ecl. ethic. p. 98.

par and all good actions equally good. On the other hand, the Wise Man alone is capable of true friendship and gratitude; all that he does is right, he alone knows how to rule, how to obey, because he is free from all passions and therefore the only true king. Even the arts, as Poetry, Divination, Oratory, he alone can practise properly, because for that also true
19 Morality is necessary. Thus the Stoics pictured to themselves the contrast between the Wise and the Unwise Man, and represented their Wise Man according to an ideal standard, although they were ready to confess that such axioms contravened actual facts. When asked for historical examples of their 'imaginary sage' they could not reply. Even Zeno himself had not pretended to a personification of this ideal Virtue, and of course the Stoics could not allow followers of other systems to be what their own founder did not pretend to be.

20 In accordance with their definition of the highest principle and of the essential of virtue, the Stoics defined Duty (καθῆκον) to be that which there is a sufficient reason for doing, i.e. what is appropriate and agreeable to nature. The first duty, therefore, as was seen above, is to choose that which is agreeable to nature, and we may consequently speak of animals doing their duty, in so far as they act conformably to their nature; but the duty of man is what reason prescribes. Accordingly separate duties are derived from the precepts of reason or from the several virtues, as for example the duty of preserving outward appearances is prescribed by the virtue of moderation and discretion. The fulfilment of these, however, is not necessarily a result of perfect intention or of virtue, but may originate with certain outward motives, not in themselves objectionable. According to the Stoics perfection of intention alone is a Good. They cannot, therefore, class mere fulfilment of duty in itself among good things, but only among the medium things, or, in so far as the results offer some advantage, among those that are desirable[53]. They described those actions which, though

[53] de finn. III § 58 *sed cum, quod honestum sit, id solum bonum esse dicamus, consentaneum tamen est fungi officio, quum id officium nec in bonis ponamns nec in malis. Est enim aliquid in his rebus probabile, et quidem*

not done with a perfect intention, are yet conformable to law and reason, as μέσα καθήκοντα, *media officia*, and placed them in contradistinction to the actions of the wise man which are the outcome of his perfect intention, and which they named κατόρθωμα, *perfectum officium, omnibus numeris absolutum*, 'complete rectitude of action'. Externally, and judged by their results, these two kinds of actions are perhaps alike, but essentially they differ. The wise man works with all those powers of a perfect soul, the union of which forms a beautiful harmony; the unwise man is impelled by external circumstances; the wise man follows solely the inward impulse of his noble nature which never allows him to go wrong, while the other acts under a law, the application of which is sometimes uncertain. The actions of the wise man are harmoniously connected with each other, the other does what is right by fits and starts and with interruptions. Since it is to the intention alone that the Stoics attach any value, while the separate actions in which it is shewn are indifferent to them, the name κατόρθωμα may be given to every action of the wise man, should he do no more than raise a finger. For he does nothing in which he is not guided by, and does not display, his perfect intention.

The same contrast between intermediate and perfect duties 21
was employed by the Stoics also in another way. The object of duty is partly to realize virtue, partly to keep to such things as are agreeable to nature and to avoid those which are contrary to it. Accordingly they named the duties that are directed to virtue καθήκοντα τέλεια or κατορθώματα, those which are directed to external relations μέσα καθήκοντα, *media*

ita, ut eius ratio reddi possit, ergo ut etiam probabiliter acti ratio reddi possit. Est autem officium, quod ita factum est, ut eius facti probabilis ratio reddi possit, ex quo intelligitur officium medium quiddam esse, quod neque in bonis ponatur neque in contrariis. Quoniamque in iis rebus, quae neque in virtutibus sunt neque in vitiis, est tamen quiddam, quod usui possit esse, tollendum id non est. Est autem eius generis actio quoque quaedam, et quidem talis, ut ratio postulet agere aliquid et facere eorum: quod autem ratione actum est, id officium appellamus: est igitur officium eius generis, quod nec in bonis ponatur nec in contrariis.

officia[54]. Expediency, of course, cannot prescribe anything opposed to virtue, because virtue shews itself in the selection of external things also, and whatever is opposed to virtue as the highest principle and perfect happiness, cannot on that account be expedient. The difference between the two kinds of duties is that the realization of virtue (*κατορθώματα*) is a duty under all circumstances, whilst in reference to external things duty may be varied by circumstances; the latter therefore are called *κατὰ περίστασιν καθήκοντα*. Thus, for example, it is not always a duty to restore what we have been entrusted with, or to keep a promise[55].

22 But while the Stoics proclaimed virtue alone and all its concomitants to be a good, and, in comparison with it, all other things, not standing in immediate relation with man's happiness, to be indifferent, still they were obliged to recognize a difference between external things. For they themselves taught that with men as with other living beings the primary inclinations tend towards certain external things which further and uphold life, such as health, power, good abilities, etc. the so-called *πρῶτα κατὰ φύσιν*. These things then must have a different value from their opposites[56]. Again Virtue ought to shew itself practically in our relation to these outward things. It is not sufficient merely to undervalue them, but a selection must be made between them. How is this possible, if all are equally worthless? These considerations induced the Stoics not indeed to give up the rigorous distinction between things of only relative worth and the absolute Good or Virtue, but to draw a distinction between the ἀδιάφορα themselves, which they divided into *προηγμένα*, *producta*, 'desirable things,' among which they

[54] Diog. VII 107 *καθῆκόν φασιν εἶναι ὃ πραχθὲν εὔλογον ἔχει ἀπολογισμόν. οἷον τὸ ἀκόλουθον ἐν τῇ ζωῇ, ὅπερ καὶ ἐπὶ τὰ φυτὰ καὶ ζῶα διατείνει.* For *καθῆκον* is *ἐνέργημα ταῖς κατὰ φύσιν κατασκευαῖς οἰκεῖον*, for men therefore that which is agreeable to reason *ὅσα λόγος αἱρεῖ ποιεῖν*. Stobaeus ecl. eth. p. 158 *τῶν δὲ καθηκόντων τὰ μὲν εἶναί φασι τέλεια, ἃ δὴ καὶ κατορθώματα λέγεσθαι, κατορθώματα δὲ εἶναι τὰ κατ' ἀρετὴν ἐνεργήματα.* Comp. de off. III § 14, Stobaeus l. c. p. 116 *φασὶ δὲ καὶ πάντα ποιεῖν τὸν σοφὸν κατὰ πάσας ἀρετάς. πᾶσαν γὰρ πρᾶξιν τελείαν αὐτοῦ εἶναι, διὸ καὶ μηδεμίαν ἀπολελεῖφθαι ἀρετῆς.* [55] de off. I § 31. [56] de finn. IV § 46, § 78.

classed the *πρῶτα κατὰ φύσιν* already mentioned, together with wealth, honour, high birth, and their contraries, *ἀποπροηγμένα*, *reiecta*, 'undesirable things[57].' Between these two lie the *ἀδιάφορα* in the proper sense of the term, those things which excite neither desire nor aversion, as the raising this or that finger, the taking up a leaf from the ground or not.

Although in opposition to the wise man all not wise men 23
are fools, yet the later Stoics modified the assertion, that all unwise men are equally bad; by which they ran counter to the general sentiment. They agreed that there was a state of 'progression' (*προκοπή*) or improvement, and that some were farther removed from their ideal than others[58]. This was in accordance with their idea of virtue, for, like all the Socratic schools, they defined Virtue as a Science. Wisdom (*σοφία*) is that which lies at the foundation of every virtue[59]. Virtue therefore can be taught and acquired by gradual progress. Thus the Stoics could write in a practical way about duties, when they set aside their distinction between the Wise and the Unwise.

For the development of the special virtues, the Stoics ap- 24
pealed to primary natural impulses, and maintained that the desire to live conformably to reason shews itself in a fourfold manner:

1 as the desire of enquiry after the True and the Just,

[57] Diog. Laert. VII 102, Cic. Acad. I § 37. "This famous distinction between things *προηγμένα* and *ἀποπροηγμένα* was a compromise between the paradox that 'nothing is good but virtue,' and the practical facts of life. Stoicism is forced to be full of such compromises." Sir A. Grant, *Oxford Essays*, 1858, p. 88.

[58] "This notion of conscious moral progress," observes Sir A. Grant, l. c. p. 93, "and self-discipline is too familiar now for us easily to believe that it was first introduced into Greece in the third century B.C. It may be said indeed to be contained implicitly in Aristotle's theory of 'habits'; but it is in reality the expression of a new and totally different spirit. By this spirit we shall find the later Stoics deeply penetrated. It constituted perhaps the most purely moral notion of antiquity, as implying the deepest associations which are attached to the word 'moral'."

[59] de off. I § 153.

2 as the desire after society and so the fulfilment of the only conditions on which this society can be maintained,

3 as the desire for pre-eminence,

4 as the desire to control the passions and preserve dignity and self-respect[60]. Thus the Stoics arrive at the four cardinal Virtues of Plato, which, according to their theory that knowledge lies at the bottom of all virtue, they defined as follows: Prudence as the knowledge of good and evil and intermediate things, Discretion (σωφροσύνη) as the knowledge of what ought to be chosen and what rejected, Justice, as the knowledge of the value which is to be assigned to each thing, Courage as the knowledge of what is to be feared and what not. Still in these definitions individual members of the Porch were not all agreed[61].

25 Of these four cardinal Virtues there are further subdivisions which are given differently by different Stoics: they are to be discussed in the first book.

Our modern division of duties into duty towards God, duty towards our neighbour and towards ourselves, was unknown to the Stoics, for with them each duty is a duty towards the deity, and therefore every transgression an offence

[60] de offic. I c. 4, de finn. IV 7, 18 *principiis autem a natura datis amplitudines quaedam bonorum excitabantur, partim profectae a contemplatione rerum occultarum, quod erat insitus menti cognitionis amor, e quo etiam rationis explicandae disserendique cupiditas consequebatur, quodque hoc solum animal natum est pudoris ac verecundiae particeps appetensque convictum hominum ac societatem animadvertensque in omnibus rebus, quas ageret aut diceret, ut ne quid ab eo fieret nisi honeste ac decore, his initiis et, ut ante dixi, seminibus a natura datis temperantia, modestia, iustitia et omnis honestas perfecte absoluta est.* The distinction however between the individual virtues is not so strongly marked in this passage as in Stobaeus ecl. eth. p. 108, who first lays it down as the aim of all virtue ἀκολούθως τῇ φύσει ζῆν and then adds that men have from Nature ἀφορμὰς πρὸς τὴν τοῦ καθήκοντος εὕρεσιν καὶ πρὸς τὴν τῶν ὁρμῶν εὐστάθειαν καὶ πρὸς τὰς ὑπομονὰς καὶ πρὸς τὰς ἀπονεμήσεις κατὰ τὸ σύμφωνον, in other words to the four cardinal virtues, prudence, temperance, fortitude and justice.

[61] Plut. de Stoic. rep. c. 7.

against the deity[62]. On the other hand they did not acknowledge any duty towards animals, for every duty consists in a *ratio iuris*, which supposes an equality between the individuals[63].

The book which Cicero followed in his statement of the doctrine of duties is the work of Panaetius περὶ καθήκοντος[64]. 26
Panaetius of Rhodes was a pupil of Diogenes and of his successor Antipater of Tarsus. The year of his birth and death is unknown. Cicero does not represent him as alive when L. Crassus went to Athens in B.C. 110. Panaetius passed one part of his life at Rome in the house of Scipio Africanus the younger, with whom he lived on terms of the closest intimacy, as also with Laelius, his son-in-law C. Fannius, Q. Tubero, and the historian and lawyer P. Rutilius Rufus and others. He accompanied Scipio B.C. 144 on an embassy to Egypt, and did not return to Athens until after his death B.C. 129, when he became the head of the Stoic school.

We require no further proof than the great number of 27
Romans of high family, who are recorded as having been his pupils, of the appreciation his philosophy met with at Rome. It was he who extended the taste for Stoicism amongst the Romans, their first acquaintance with which was obtained through Diogenes on occasion of his celebrated mission B.C. 156. Panaetius was especially fitted for the task: his philosophical investigations, as far at least as we can conclude from the accounts which we possess of his writings, were almost entirely confined to questions of practical interest, and he modified and softened the harshness of the Stoical system and of the Stoical terminology in respect to existing relations of society and general opinion, while he adopted parts of other philosophical systems, and in many points accommodated himself to the

[62] Stobaeus ecl. eth. II p. 216 πᾶν ἁμάρτημα ἀσέβημα εἶναι, τὸ γὰρ παρὰ τὴν βούλησίν τι πράττεσθαι τοῦ θεοῦ ἀσεβείας εἶναι τεκμήριον, de off. III § 28.

[63] Diog. l. c. 129 ἔτι δὲ ἀρέσκει αὐτοῖς μηδὲν εἶναι ἡμῖν δίκαιον πρὸς τὰ ἄλλα ζῶα διὰ τὴν ἀνομοιότητα.

[64] de off. III § 7, ep. ad Attic. XVI 11, 4.

prevalent opinion of the day at Rome[65]. He kept back his opinion on a question so purely theoretical as the combustion of the world[66]. He did not entirely reject joy[67], nor insist upon insensibility to pain[68], he even denied the proposition that virtue alone is sufficient for happiness, if we are to believe the remark of Diogenes Laertius[69]. He allowed himself also to be led by the opinion of the educated and by his own common sense to at least a partial rejection of divination[70], although in opposition to the Stoic theory. He relieved his lectures by the introduction of passages from other philosophers, especially from Plato for whom he professed the highest admiration[71]. Cicero expressly says of his book *de magistratibus*, that it was not a strictly theoretical essay, but such as to take into account the existing conditions of society[72], his treatise also *de officiis* was written in a popular style and interspersed with an unnecessary amount of illustrative examples[73].

28 The doctrine of duties had already been taught by the heads of the Stoa, Zeno, Kleanthes, Chrysippus and others,

[65] de off. II § 51. [66] de nat. deor. II § 118 *ex quo eventurum nostri putant id, de quo Panaetium addubitare dicebant, ut ad extremum omnis mundus ignesceret, cum umore consumpto neque terra ali posset neque remearet äer, cuius ortus aqua omni exhausta esse non posset; ita relinqui nihil praeter ignem, a quo rursum animante ac deo renovatio mundi fieret atque idem ornatus oriretur*, Diogen. Laert. VII 141. [67] Sext. adv. Math. XI 73. [68] A. Gell. noct. Att. XII 5, 10. [69] VII 128. [70] de div. I § 6. [71] de fin. IV § 79 *quam illorum tristitiam atque asperitatem fugiens Panaetius nec acerbitatem sententiarum nec disserendi spinas probavit fuitque in altero genere mitior, in altero illustrior, semperque habuit in ore Platonem Aristotelem Xenocratem Theophrastum Dicaearchum, ut ipsius scripta declarant*, Tusc. disp. I § 79 *credamus igitur Panaetio a Platone suo dissentienti? quem enim omnibus locis divinum, quem sapientissimum, quem sanctissimum, quem Homerum philosophorum appellat, huius hanc unam sententiam de immortalitate animorum non probat.* [72] de legg. III § 14 ATT. *ain tandem? etiam a Stoicis ista tractata sunt?* M. *Non sane nisi ab eo, quem modo nominavi, et postea a magno homine et in primis erudito, Panaetio. Nam veteres verbo tenus acute illi quidem, sed non ad hunc usum popularem atque civilem de republica disserebant.* [73] de off. II § 35.

before Panaetius. After Chrysippus, who was the first to develope this part of the Stoic philosophy[74], the paraenetic part of ethics, προτροπαὶ and ἀποτροπαί, was treated as a special branch. It is not unlikely that the earlier schools also adopted the tripartite division of duties followed by Panaetius, viz. those which are prescribed by virtue or expediency, as well as his opinion concerning the collision of both kinds. We are told particularly that he was the first to divide virtues into theoretical and practical[75], that is to say, he combined the Platonic-Stoic division into four virtues with the Aristotelian distinction between the intellectual (διανοητικαὶ) and practical (ἠθικαὶ), distinguishing prudence as a theoretical, the other three as practical virtues[76]. As to the objection which 29
Cicero makes[77] that he did not begin his work with a definition of 'Duty,' this may be accounted for by the popular form in which it was composed. Besides the word had already a fixed definition in the Stoic school. Panaetius requires rather to be justified against the other reproach of Cicero[78], that he has not entered upon the question: *duobus propositis honestis utrum honestius, duobus propositis utilibus utrum utilius.* For a conflict between particular virtues contradicts the very idea of virtue, and the more so because according to the theory of the Stoics all virtues centre in Knowledge. Such questions however as, whether it is better to be honoured or to be rich, to be a landlord or a manufacturer, where Cicero[79] supplements what Panaetius has omitted upon expediency, have surely no connexion with ethics.—The work of Panaetius consisted of three

[74] Diogen. Laert. VII 84 τὸ δὲ ἠθικὸν μέρος τῆς φιλοσοφίας διαιροῦσιν εἴς τε τὸν περὶ ὁρμῆς καὶ εἰς τὸν περὶ ἀγαθῶν καὶ κακῶν τόπον, καὶ εἰς τὸν περὶ παθῶν καὶ περὶ ἀρετῆς καὶ περὶ τέλους, περί τε τῆς πρώτης ἀξίας καὶ τῶν πράξεων καὶ περὶ τῶν καθηκόντων, προτροπῶν τε καὶ ἀποτροπῶν· καὶ οὕτω δ' ὑποδιαιροῦσιν οἱ περὶ Χρύσιππον καὶ Ἀρχέδημον καὶ Ζήνωνα τὸν Ταρσέα καὶ Ἀπολλόδωρον καὶ Διογένην καὶ Ἀντίπατρον καὶ Ποσειδώνιον.

[75] Diog. Laert. VII 92 Παναίτιος μὲν δύο φησὶν ἀρετάς, θεωρητικὴν καὶ πρακτικήν· ἄλλοι δὲ τρεῖς, λογικὴν καὶ φυσικὴν καὶ ἠθικήν· τέτταρας δὲ οἱ περὶ Ποσειδώνιον. [76] Cic. de off. I c. 5; cp § 18, orator. partit. § 76. [77] de off. I § 7. [78] de off. I § 10. [79] de off. II c. 25.

books, but it was left incomplete, being deficient[80] in the third part on the conflict between virtue and expediency.

30 The part which was wanting in Panaetius Cicero treated independently, i.e. without having a model to follow, such as he had in the first books in Panaetius, in the division and the discussion of his subject[81]: we learn from his own statement[82] that he consulted for that purpose a work of Posidonius, the pupil of Panaetius; he seems however not to have borrowed much from it, as Posidonius touched but slightly on this part of the doctrine of duties, and in general nothing that was written on ethics since the time of Panaetius met with Cicero's approbation[83]. He made use moreover of an essay of Hekaton of Rhodes, out of which he takes the divergent views of Diogenes and Antipater[84], and it is very likely that the case stated in III § 91, about which these two philosophers shew the same difference of opinion, is also borrowed from it.

31 It is an interesting question how much Cicero borrowed from these sources and what is of his own creation; whether —as is seen to be the case in some parts of the books *de natura deorum* from the fragment of the Epicurean Philodemus—he has furnished scarcely anything but a free translation of the Greek original, or whether in addition to the Roman dress in which he has clothed them and the examples taken from Roman history, he has given us his own sentiments also. The latter supposition is supported by Cicero's own observation *sequimur—potissimum*

[80] de off. III § 7. [81] de off. III § 34 *explebimus nullis adminiculis, sed ut dicitur Marte nostro.* [82] note de off. I § 159 l. 24, de off. III § 7, ep. ad Att. XVI 11, 4 τὰ περὶ τοῦ καθήκοντος, *quatenus Panaetius, absolvi duobus: illius tres sunt, sed quum initio divisisset ita, tria genera exquirendi officii esse; unum, quum deliberemus honestum an turpe sit; alterum, utile an inutile; tertium, quum haec inter se pugnare videantur, quo modo iudicandum sit, qualis causa Reguli, redire honestum, manere utile: de duobus primis praeclare disseruit, de tertio pollicetur se deinceps, sed nihil scripsit. Eum locum Posidonius persecutus est, ego autem et eius librum arcessivi, et ad Athenodorum Calvum scripsi, ut ad me τὰ κεφάλαια mitteret—quae exspecto; quem velim cohortere et roges, ut quam primum—in eo est* περὶ τοῦ κατὰ περίστασιν καθήκοντος. [83] de off. III § 8, § 34. [84] de off. III § 63, § 51, § 89.

Stoicos non ut interpretes, sed—e fontibus eorum iudicio arbitrioque nostro, quantum quoque modo videbitur, hauriemus[85], as well as by the opinions of the ancients, who speak of the book in
terms of the highest praise[86]. It is true, the very parts which 32
Cicero himself professes in several places to be additions of his own[87] on the superiority of particular virtues and particular kinds of expediency are either merely indicated, not fully discussed, as II c. 25, or they are supported by the arguments of the Stoics, as the question about the preference of a life of practical or theoretical activity considered in I c. 43, which formed the principal point of conflict between the Stoics and Peripatetics. His alterations of their scientific system amount to few, except that in all cases he shews an evident desire to modify and mitigate the Stoic rigour, and discriminates between theory and practice in a manner eminently characteristic of himself[88]. It is of very little consequence that he substitutes *magnitudo animi* for the ἀνδρεία of the Stoics, and makes *fortitudo* subordinate to it, while the Stoics mostly do the reverse. Moreover his calling 'moral good' *honestum*, while the Greeks call it καλόν, is characteristic enough of the difference between the Greek and Roman point of view, but no corresponding new idea is conveyed with the change of term. We must not however forget, that while the Greeks defined the notion of καλὸν objectively, Cicero dwells more upon the consideration that the *honestum* has or merits the applause of right-minded men; this accounts for his attributing a higher
value to glory than the Stoics did[89]. Similarly he assigns a 33
signification to the 'becoming' (*decorum*), which it does not bear with the Stoics. For while they profess a disregard for form and external demeanour in comparison with a virtuous disposition, Cicero will have it that virtue should have a pleasing exterior and not be opposed to the manners and customs of

[85] II § 60: comp. III § 7. [86] Gell. XIII 28 *quos* (*Panaetii libros*) *M. Tullius magno cum studio maximoque opere aemulatus est*, Plin. nat. hist. praef. § 22 *quae volumina ediscenda, non modo in manibus cotidie habenda nosti.* [87] I § 10, § 152, II § 88. [88] II §§ 35, 51, III § 13. [89] Tusc. III § 3.

the best society. It is probable, however, that his detailed explanation of *decorum* (I § 94—100) is founded on the ideas of Panaetius; anyhow the definition and division of the ideas was not devised by Cicero. In the same way Panaetius no doubt had already allowed greater scope to the variety of men's individuality than is consistent with the strict principles of the Stoics, I § 107 ff.; Cicero even declares it to be possible and admissible for one man to excel in one virtue,
34 another in another (I § 115). If we examine his treatment of the several branches of his subject, we shall find all of them interwoven with examples taken from Roman History, and references to the political position of Rome at the time, often indeed disadvantageously; for the bitterness of feeling which the writer betrays, and the blindness and prejudice with which he judges his adversaries, become distasteful to the reader[90]. The tone and spirit in which he speaks of individual duties is thoroughly Roman, and it is evident throughout—as indeed might be expected from its dedication to his son Marcus—that the work was composed for the use of a young noble Roman, who was about to devote himself to politics; indeed Cicero professes this as the intention of his work, in the passage where he is writing of glory[91], when he says that he shall speak more fully of glory, because it is of great utility for one who is about to devote himself to the service of the state.

35 It may naturally be supposed that the society of Scipio and other Roman nobles must have exercised a considerable influence on Panaetius, still we may be sure that a Greek philosopher could never have written a treatise on duties like this of Cicero. Thus in the first part concerning wisdom (I c. 6), which is altogether disproportionately short, nothing is said of *εὐβουλία, νουνέχεια, εὐλογιστία* and all the other virtues which the Stoics made subordinate to *φρόνησις*[92], but he speaks of the wrong desire of learning, i.e. the desire of learning things without practical interest, and of the right desire, which is allowable only so far as it does not interfere with a life

[90] See for example II § 84, III §§ 32, 82, 84. [91] II § 31.
[92] Stobaeus ecl. eth. p. 106.

of public activity. The part concerning justice is taken up with the questions what are just reasons for commencing a war, how conquered enemies are to be treated: and these questions are not discussed from a philosopher's point of view but from that of a Roman statesman. The following part on magnanimity (*magnitudo animi*) is treated entirely with reference to Romans who occupy a high position in the state. We find the writer constantly giving way to the complaint that men endeavouring to attain prominent power and authority so easily become dangerous to the community[93]; those who are prevented from seeking public offices from fear of trouble and the uncertainty of success are censured[94]: and, in addition to several precepts for those who are governors of the state, the question whether the office of a general or that of a statesman be the more useful and honourable is discussed with special fulness. His remarks about the different kinds of speech (I c. 37, cp. II c. 14) are merely a repetition of the thoughts which are propounded in his oratorical writings. Lastly, none but a Roman could talk as Cicero does in I c. 42 concerning the several vocations becoming a gentleman.

The independent judgment of Cicero is still more visible 36
in his second Book. We have only to look at such passages as chapters 13 and 14 containing advice to a young Roman, who is desirous of winning glory and authority with the people, or c. 15—24 on the acquisition of popularity by means of public distributions, on the administration of public offices, and on popular laws and institutions, to be convinced that we are not reading a mere translation from a Greek philosopher. But the treatise is deficient as a philosophical system: it often loses by confusion[95]. This portion of the work and the entire arrangement of his subject is entirely borrowed from Panaetius,—who however is not chargeable with Cicero's want of clearness in exposition; in the other true and striking but loose and scattered remarks and precepts, which are derived less from Stoic principles than from Roman views of life and

[93] I §§ 26, 64, 74. [94] I § 71. [95] See e.g. I §§ 7, 94, 132 and what is said below regarding the third Book.

which are proved by examples rather than by general considerations, we may trace more or less the results of Cicero's own personal experience, and this constitutes the chief charm of this work and its superiority over some of his other writings. But the proofs which he makes use of are merely superficial; we look in vain for any profound discussion on philosophical principles, for any psychological system, and, where abstract questions are inevitable, they are treated without any technical knowledge or subtilty of reasoning.

37 This is undoubtedly a defect in the Work. It may be explained partly by the fact that Cicero was without profound philosophical training, partly by the fact of his mind being more directed towards questions of practical interest, partly because he composed the work carelessly and under unfavourable circumstances. On the other hand he does not adopt the scholastic distinctions and definitions of the Stoics, which are equally useless for philosophy and practice. He exhibits always sound sense and wide experience, such as is possessed only by one who from his earliest years has been conversant with public life and taken an active part in forensic business, who once stood himself at the head of the state and was the leader of a great political party. Moreover his true moral instinct keeps him as far aloof from the ambiguities of Diogenes' morality, as from the rudeness which even Chrysippus had caught from Cynicism. His noble patriotism, his Roman pride coupled with his love for Greek learning, are always apparent, and, if he is deficient in systematic philosophy, the want is in some degree at least compensated by his everlasting moral axiom that what is virtuous is always
38 and alone expedient.—On the other hand the *de officiis* is justly taxed with faulty arrangement and frequent repetitions. In the second Book concerning the question how we can make others useful to ourselves, Cicero gives the same subdivision twice over § 21 and § 22, but in § 31 he abandons it and makes the whole subordinate to the question how we are to acquire fame. He recurs oftener than necessary to certain very familiar questions. So his remarks in I c. 37 on the power of

Eloquence are essentially the same as those in II c. 14, those concerning munificence degenerating into profusion are the same in I § 43 and II § 53, those about the choice to be made in rendering benefits in I §§ 49, 59 and II § 61, and lastly those about the duty of a statesman to make the good of the whole state his whole end and aim in I § 85 and II § 72. This is for the most part Cicero's own fault, but it is also in some measure owing to the inappropriate division which the Stoics made of duties. Thus as true expediency coincides with virtue and makes the same thing a duty, Cicero cannot avoid considering the same duties in the first place from the point of view of virtue and then from that of expediency.

The Third Book, in which Cicero especially prides himself 39
on his greater self-dependence, is undoubtedly the most defective of all in treatment. We have in it the constant repetition of the one sentiment that moral good is always expedient, the contrary never, in endless variations, without any systematic treatment or analysis. Digressions are made on subjects only slightly connected with the rest, as in c. 8 § 37 ff. that no one may do wrong even if sure of avoiding detection, which is followed by an attack upon the Epicureans. His examples are either treated with a breadth that savours of the rhetorical school, as the case of Regulus c. 26—32, or else are mere sophisms, such as that taken from Hekaton c. 23. In cc. 3 and 4 the difference between the virtue of the Sage and that of ordinary men is fully discussed, but with no other result than that both are forbidden to prefer expediency to moral rectitude and decorum. In treating the question whether it be possible for *honestum* and *utilitas* to be opposed to one another Cicero argues in a circle (§ 20). In proving the position *eadem ut utilitas unius cuiusque et universorum sit* cc. 5 and 6 he shews rhetorical fulness without subtlety (§ 27), and after stating the essential point he commences the particular treatment of the question in the subsequent chapter. Cicero omits to tell us until § 96 that he has been taking the four Cardinal Virtues in this Book as in the others for the basis of his proof, and that he has already dealt with seeming pru-

dence which is really opposed to truth, and with the violation of justice for the sake of profit. But as each neglect of virtue is based upon a misconception of true expediency and therefore upon false prudence, the several examples (and the whole essay consists in examples) cannot be kept distinct (§ 96). So also with the examples which follow. Not but that in the First Book also the connexion of thought is frequently defective (§ 117), and certain common-place sentiments are repeated so as to interrupt the general tenour of the discourse (§§ 68, 80). His proofs frequently contain irrelevant matter (I §§ 153, 157) and the examples which he adduces are sometimes such as bear no relation to the question under discussion (I § 36, III § 112). Again previous classifications and definitions are not sufficiently regarded in his treatment of the subject to which they belong.

40 His diction also exhibits marks of haste, which is not surprising considering the circumstances under which the work was composed: he indulges in tedious prolixity in several places (e.g. I § 14, II §§ 22, 56, III § 117), while at other times we are led to admire his variety of description and skill in narration.

41 In the description of duties, which he proposes, the sentiment that virtue alone is expedient is throughout kept in view. After a brief introduction on the subject of his work (c. 1) and a few remarks on duty in general, he states the division of his subject which he proposes to make, § 9. Accordingly the First Book (c. 3—43) is taken up with the consideration of the duties arising from virtue, c. 43—45 with a comprehensive estimate of the several virtues and their conflict one with another, in c. 4 and c. 5 the different kinds of morality are specified, then follow the duties that arise from wisdom c. 6, next those which are necessary for the maintenance of human society c. 7—18, those imposed upon us by fortitude c. 18—26,
42 and lastly those of temperance c. 27—42. The Second Book treats of the duties which expediency imposes on us. By way of introduction cc. 1 and 2 Cicero premises a vindication of the study of philosophy and of the Academic system. Upon

this follows c. 3—c. 6 § 20 an illustration of the truth that man himself is the most useful of all things to men. We make men of service to us (1) by benevolence and fear c. 7—8 § 30, (2) by acquiring their esteem and confidence c. 8 § 31—c. 14, (3) by beneficence and liberality c. 15—c. 24. The last chapter contains a comparison of obligations in respect of their expediency. The subject of the Third Book is the conflict of expediency and moral rectitude. This book also contains a special introduction on Cicero's own position and his employment during 43
his forced retirement is compared with that of P. Africanus (c. 2 § 6). The propriety of the question under discussion is considered and the possibility of such a conflict proved (§ 20), and a general rule proposed for the decision of particular cases (§ 21—c. 8). The certainty also of being undetected ought not to seduce us into doing wrong (c. 9). Then follow examples shewing how a neglect of morality is occasioned by friendship (§ 43 ff.) and political causes (c. 11); further on examples of a conflict between justice and apparent expediency (c. 12—25), between courage and expediency (c. 26—32), and lastly between temperance and expediency (c. 33).

The MSS. of the *de officiis*, which are very numerous, proceed no doubt from one source; this is shewn by the frequent interpolations of whole narratives (I § 36) and a variety of other corruptions common to all of them. Two separate re- 44
censions, however, may be recognized. At the head of the one stands the Codex Bernensis *c* of the 13th (?) century, of the other the Codex Herbipolitanus or Würzburg, the Bamberg, the two Bernenses *a* and *b*, all of which probably belong to the 10th century, are the best. Bernensis *c*[96] has not so many omissions as the other MSS. (e.g. II § 49 *et apud populum*, § 50 *ut ii*, *quos ante dixi aut ulciscendi*, § 53 *bene ministrum et praebitorem*) and in so many passages presents the only correct

[96] Bernensis c, quamvis nec mendis nec falsis correctionibus prorsus careat, tamen emendandi textus Ciceroniani fons est uberrimus, siquidem eius testimonio, sive cum accedit ad ceterorum eiusdem classis auctoritatem, sive cum ipsum per se fidem meretur, plurimis locis omissa ab reliquis verba restitui aut vetusta menda tolli possunt. ZUMPT praef. ed. mai. p. xi.

reading (e.g. 1 § 28 *in altero delinquunt*, II § 76 *abstinentiae* for *sapientiae*, § 89 *quid tertium? male pascere* for *male vestire*), that the writer must undoubtedly have had access to a source in many respects superior to that from which the codices of the other family spring. On the other hand the codex, from which Bern. *c.* emanates, has been subjected to the most capricious alterations of reading. Entire changes in the order of words, corrections such as 1 § 77 *concedat laurea paci* for *c. l. laudi*, 1 § 88 *lenitudo animi* for *altitudo animi*, numerous misplaced attempts at emendation, leave no room for doubt that the copyist, whoever he was, has purposely tampered with the text, whereas the corruptions of the other codices arise rather from the ignorance or carelessness of the transcribers: we must therefore employ these in the first instance for ascertaining and settling the text, while great caution is necessary in using Bernensis *c*, although we cannot entirely do without it.

The *editio princeps* was printed at Mayence in 1465 by Fust and Schöffer, the second at Mayence in 1466 by Fust and de Gernshem, the third at Rome by Sweynheym and Pannartz in 1469, the fourth at Venice by de Spira in 1470; the first of these is extremely rare. More than thirty editions were published before the close of the fifteenth century. Of subsequent editions those of Aldus (1517) and (1541), the Augsburgh (1535), the Venice (1538) ed. by Paulus Magnolus, and (1581), the Antwerp (1563), the Bâle (1568), the Amsterdam (1688) by J. G. Graevius with *variorum* notes (1710), reprinted by Garatoni, Naples 1777, the Oxford (1695) by T. Cockman, that of Facciolati (Padua 1720, reprinted at Venice 1747), deserve attention.

There are several English Translations, by R. Whytinton (London 1534, 1540), by Nicholas Grimalde (London 1553, frequently reprinted), by Roger l'Estrange (London 1680), by T. Cockman (London 1706, frequently reprinted), by Guthrie (1755). The best German translation is by Dr R. Kühner, Stuttgart, 1859.

The editions which I have found most useful in preparing my commentary are as follows:—

M. T. Ciceronis de officiis ad Marcum filium libri tres. Notis illustravit Z. Pearce, Londini, 1754, 8 mai. (with MS. notes by John Taylor, LL.D. in the University Library of Cambridge).

[Usus x codd. Anglican. et edd. vett. summi acuminis criticus addidit notas egregias suas et Ioannis Chapmanni atque pauculas Ioann. Walkeri et Franc. Sayi. BEIER]

de officiis libri tres. Recensuit et scholiis Iac. Facciolati suisque animadversionibus instruxit Aug. Gotth. Gernhard. Lipsiae, 1811. 8 mai.

[Ed. emendatissima, textu perite et caute constituto, quae horum libr. lectionem expeditiorem reddidit studiumque adiuvit. BEIER]

de officiis libri tres. Ad praestantissimorum quorumque exemplarium fidem emendati et cum commentariis editi a Carolo Beiero. Lipsiae, 1820—21. 2 Tom. 8 mai.

[Editio praestantissima quae permultum contulit ad rectiorem horum librorum et crisin et interpretationem. ORELLI]

de officiis libri tres. Ad solam priscorum exemplarium fidem recensuit adiectisque Io. Michaelis Heusingeri et suis adnotationibus explicatiores editurus erat Iacobus Fridericus Heusinger. Editionem a Conr. Heusingero, Iacobi fr. filio, curatam repetivit suisque animadversionibus auxit Car. Tim. Zumptius. Brunsvigae, 1838. 8 mai.

de officiis libri tres. Cum selectis Io. Mich. et Iac. Frid. Heusingerorum suisque notis scholarum in usum iterum edidit Car. Tim. Zumptius. Brunsvigae, 1849. 8 min.

de officiis libri tres. Recensuit Rudolphus Stuerenburg. Accedit Commentarius. Lipsiae, 1843. 8 mai. ed. 2.

[Editio critica, multis nominibus commendanda, in qua maxime sequitur Cod. Bernensem tertium (*c*), omnium adhuc collatorum optimum. ORELLI]

de officiis ad Marcum filium libri tres. Erklaert von G. Fr. Unger. Leipzig, 1852. 8 mai. (Haupt and Sauppe's Greek and Latin Series).

de officiis ad Marcum filium libri tres. Erklaert von Otto Heine. Berlin, ed. 2 1861, ed. 3 1866, ed. 4 1871, ed. 5 1878 (Haupt and Sauppe Series).

de officiis libri tres. Zum Schulgebrauche herausgegeben von Iohannes von Gruber. Leipzig, ed. 1 1856, ed. 2 1866.

de officiis libri tres. With English notes by T. A. Thacher, New York, 1850. 8 min.

de officiis ad Marcum filium libri tres. Til Skolebrug bearbejdet af Dr Georg F. V. Lund, anden Udgave, Kjöbenhavn, 1869, 8 mai.

de officiis libri tres für schüler erklärt von Dr Carl Tücking, Paderborn, 1879, 8 mai.

CONTRACTIONS AND ABBREVIATIONS

Ba	Baiter
Be	Beier
Ern	Ernesti
F	Facciolati
Gr	Graevius
H	Heusinger
Lu	Lund
Or	Orelli
St	Stuerenburg
Z	Zumpt
l.c.	loco *or* libro citato
)(	opposed to
Intr.	Introduction
n.	note

MARCI TVLLII CICERONIS

DE OFFICIIS

AD

MARCVM FILIVM

LIBER PRIMVS

LIBER PRIMVS

I Introduction in which the Writer exhorts his son MARCUS to follow his Father's example in combining the study of Latin with that of Greek.

CH. I.

1. QVAMQVAM te, Marce fili, annum iam audientem Cratippum idque Athenis abundare oportet praeceptis institutisque philosophiae propter summam et doctoris auctoritatem et urbis, quorum alter te scientia augere potest, altera exemplis, tamen, ut ipse ad meam utilitatem semper cum Graecis Latina coniunxi neque id in philosophia solum sed etiam in dicendi exercitatione feci, idem tibi censeo faciendum, ut par sis in utriusque orationis facultate. Quam quidem ad rem nos, ut videmur, magnum attulimus adiumentum hominibus nostris, ut non modo Graecarum litterarum rudes sed etiam docti aliquantum se arbitrentur adeptos et ad dicendum et ad iudicandum. 2. Quam ob rem disces tu quidem a principe huius aetatis philosophorum et disces quam diu voles,—tam diu autem velle debebis, quoad te quantum proficias non paenitebit;—sed tamen nostra legens non multum a Peripateticis dissidentia, quoniam utrique Socratici et Platonici volumus esse, de rebus ipsis utere tuo iudicio—nihil enim impedio—, orationem autem Latinam efficies profecto legendis nostris pleniorem. Nec vero hoc arroganter dictum existimari velim. Nam philosophandi scientiam concedens multis, quod est oratoris proprium apte distincte ornate dicere, quoniam in eo studio aetatem consumpsi, si id mihi assumo, videor id meo iure quodam modo vindicare.

18 [et] Socratici *Or* ‖ 20 arroganter hoc *Or contr. codd.*

To this end he advises him to study his own philosophical essays as well as speeches.

3. Quam ob rem magnopere te hortor, mi Cicero, ut non solum orationes meas, sed hos etiam de philosophia libros, qui iam illis fere se aequarunt, studiose legas. Vis enim maior in illis dicendi, sed hoc quoque colendum est aequabile et temperatum orationis genus.

The union of the study of Philosophy and Oratory never attempted by the Greeks.

Et id quidem nemini video Graecorum adhuc contigisse, ut idem utroque in genere elaboraret sequereturque et illud forense dicendi et hoc quietum disputandi genus, nisi forte Demetrius Phalereus in hoc numero haberi potest, disputator subtilis, orator parum vehemens, dulcis tamen, ut Theophrasti discipulum possis agnoscere. Nos autem quantum in utroque profecerimus, aliorum sit iudicium; utrumque certe secuti sumus. 4. Equidem et Platonem existumo, si genus forense dicendi tractare voluisset, gravissime et copiosissime potuisse dicere et Demosthenem, si illa quae a Platone didicerat tenuisset et pronuntiare voluisset, ornate splendideque facere potuisse. Eodemque modo de Aristotele et Isocrate iudico, quorum uterque suo studio delectatus contempsit alterum.

II CICERO's motives for choosing the subject of moral Duties. Its general use and practical importance.

CH. II. 1—10.

Sed cum statuissem scribere ad te aliquid hoc tempore, multa posthac, ab eo ordiri maxime volui, quod et aetati tuae esset aptissimum et auctoritati meae. Nam cum multa sint in philosophia et gravia et utilia accurate copioseque disputata, latissime patere videntur ea quae de officiis tradita ab illis et praecepta sunt. Nulla enim vitae pars neque publicis neque privatis, neque forensibus neque domesticis in rebus, neque si tecum agas quid neque si cum altero contrahas, vacare officio potest, in eoque et colendo sita vitae est honestas omnis et neglegendo turpitudo. 5. Atque haec quidem quaestio communis est omnium philosophorum. Quis est enim qui nullis officii praeceptis tradendis philosophum se audeat dicere? Sed sunt non nullae disciplinae, quae propositis bonorum et malorum finibus

It is a necessary part of all speculation on moral phi-

3 se *om. Or St cum codd.* || 4 in illis maior *codd., corr. Or.* || 8 laboraret *St cum codd.* || 23 volui maxime *Or St contra codd.*

losophy; some schools have given a wrong definition of the *summum bonum*, which has led them to divers inconsistencies between doctrine and practice.

officium omne pervertant. Nam qui summum bonum sic instituit ut nihil habeat cum virtute coniunctum, idque suis commodis, non honestate metitur, hic, si sibi ipse consentiat et non interdum naturae bonitate vincatur, neque amicitiam colere possit nec iustitiam nec liberalitatem: fortis vero dolorem summum malum iudicans aut temperans voluptatem summum bonum statuens esse certe nullo modo potest. 6. Quae quamquam ita sunt in promptu, ut res disputatione non egeat, tamen sunt a nobis alio loco disputata. Hae disciplinae igitur, si sibi consentaneae velint esse, de officio nihil queant dicere, neque ulla officii praecepta firma, stabilia, coniuncta naturae tradi possunt nisi aut ab iis qui solam, aut ab iis qui maxime honestatem propter se dicant expetendam. Ita propria est ea praeceptio Stoicorum Academicorum Peripateticorum, quoniam Aristonis Pyrrhonis Erilli iam pridem explosa sententia est, qui tamen haberent ius suum disputandi de officio, si rerum aliquem dilectum reliquissent, ut ad officii inventionem aditus esset. Sequimur igitur hoc quidem tempore et hac in quaestione potissimum Stoicos, non ut interpretes, sed, ut solemus, e fontibus eorum iudicio arbitrioque nostro quantum quoque modo videbitur hauriemus.

The only trustworthy guides are the Stoics, Academics and Peripatetics. CICERO professes to follow the first mainly.

Meaning of *officium* to be first determined.

7. Placet igitur, quoniam omnis disputatio de officio futura est, ante definire, quid sit officium: quod a Panaetio praetermissum esse miror. Omnis enim, quae a ratione suscipitur de aliqua re institutio debet a definitione proficisci, ut intellegatur, quid sit id de quo disputetur.

III Questions relating to it are of two sorts, theoretical and practical.

Omnis de officio duplex est quaestio: unum genus est quod pertinet ad finem bonorum, alterum quod positum est in praeceptis quibus in omnis partis usus vitae conformari possit. Superioris gene-

14 ducant *Ba post Bakium ad Cic. de legg.* I § 37 || 21 sequemur *Ba Lu post Graevium* || 28 [a] ratione *Or*, ratione *Ba Heine Lu invitis codd.*

Examples of the former kind.

ris huius modi sunt exempla; omniane officia perfecta sint, num quod officium aliud alio maius sit, et quae sunt generis eiusdem. Quorum autem officiorum praecepta traduntur, ea quamquam pertinent ad finem bonorum, tamen minus id apparet, quia magis ad institutionem vitae communis spectare videntur: de quibus est nobis his libris explicandum. 8. Atque etiam alia divisio est officii: nam et medium quoddam officium dicitur et perfectum. Perfectum officium rectum opinor vocemus, quoniam Graeci κατόρθωμα, hoc autem commune officium καθῆκον vocant. Atque ea sic definiunt, ut, rectum quod sit, id officium perfectum esse definiant; medium autem officium id esse dicunt, quod cur factum sit ratio probabilis reddi possit.

The second kind enter into the present enquiry.

Another division of Duties is into *media* and *perfecta*.

PANÆTIUS made but three general Heads of Deliberation: CICERO adds two more.

9. Triplex igitur est, ut Panaetio videtur, consilii capiendi deliberatio. Nam aut honestumne factu sit an turpe dubitant id, quod in deliberationem cadit; in quo considerando saepe animi
ii in contrarias sententias distrahuntur. Tum autem aut anquirunt aut consultant ad vitae commoditatem iucunditatemque, ad facultates rerum atque copias, ad opes ad potentiam, quibus et se possint iuvare et suos, conducat id necne, de quo deliberant: quae deliberatio omnis in rationem utilitatis cadit.
iii Tertium dubitandi genus est, cum pugnare videtur cum honesto id, quod videtur esse utile. Cum enim utilitas ad se rapere, honestas contra revocare ad se videtur, fit ut distrahatur in deliberando animus adferatque ancipitem curam cogitandi. 10. Hac divisione, cum praeterire aliquid maximum vitium in dividendo sit, duo praetermissa sunt. Nec enim solum utrum honestum an turpe sit deliberari solet, sed etiam duobus pro-
iv positis honestis utrum honestius, itemque duobus propositis
v utilibus utrum utilius. Ita, quam ille triplicem putavit esse

1 exempla [sunt] *Or* ‖ 2 numquid *Or* ‖ 3 quae autem *Heine contra codd.* 7 atque etiam—reddi possit *uncis incl. Ba, Heine* ‖ 11 quod Graeci *Or contra codd.* ‖ 11 commune officium καθῆκον vocant *Heine St praeeunte Pearcio*; [officium] καθῆκον vocant *Or* ‖ 16 aut *om. Or* ‖ 28 In hac *Ba Heine*

rationem, in quinque partis distribui debere reperitur. Primum igitur est de honesto, sed dupliciter, tum pari ratione de utili, post de comparatione eorum disserendum.

IV First general Head of Deliberation.

CH. IV—XLII.

Whether an action be morally right or wrong.

11. Principio generi animantium omni est a natura tributum, ut se, vitam corpusque tueatur declinet ea, quae nocitura videantur, omniaque quae sint ad vivendum necessaria anquirat et paret, ut pastum, ut latibula, ut alia generis eiusdem. Commune autem animantium omnium est coniunctionis adpetitus procreandi causa et cura quaedam eorum, quae procreata sunt. Sed inter hominem et beluam hoc maxime interest, quod haec tantum quantum sensu movetur, ad id solum quod adest quodque praesens est se accommodat, paulum admodum sentiens praeteritum aut futurum. Homo autem—quod rationis est particeps, per quam consequentia cernit, causas rerum videt earumque progressus et quasi antecessiones non ignorat, similitudines comparat rebusque praesentibus adiungit atque annectit futuras,—facile totius vitae cursum videt ad eamque degendam praeparat res necessarias. 12. Eademque natura vi rationis hominem conciliat homini et ad orationis et ad vitae societatem, ingeneratque in primis praecipuum quendam amorem in eos qui procreati sunt, impellitque ut hominum coetus et celebrationes et esse et a se obiri velit ob easque causas studeat parare ea quae suppeditent ad cultum et ad victum, nec sibi soli, sed coniugi liberis ceterisque quos caros habeat tuerique debeat: quae cura exsuscitat etiam animos et maiores ad rem gerendam facit.

The primary objects of man's natural desire,—as of all animals—are self-preservation and propagation of his kind.

As an intelligent being, he has higher desires and appetites, which distinguish him from the brute creation: an inclination for social intercourse and a regard for the welfare of those around him.

2. Also, a desire of knowledge and of discernment of truth.

13. In primisque hominis est propria veri inquisitio atque investigatio. Itaque cum sumus necessariis negotiis curisque vacui, tum avemus aliquid videre audire addiscere, cognitionemque rerum aut occultarum aut admirabilium ad beate vivendum necessariam ducimus.

6 declinetque *Or contra codd.* ‖ 9 item *post Manutium Ba Heine* ‖ 18 praegressus *Heine Lu contra codd.*

3. Thirdly, a desire of prominence and independence, whence come magnanimity and a contempt of outward accidents.

Ex quo intellegitur, quod verum simplex sincerumque sit, id esse naturae hominis aptissimum. Huic veri videndi cupiditati adiuncta est adpetitio quaedam principatus, ut nemini parere animus bene informatus a natura velit, nisi praecipienti aut docenti aut utilitatis causa iuste et legitime imperanti: ex quo magnitudo animi existit humanarumque rerum contemptio. 14. Nec vero illa parva vis naturae est rationisque, quod unum hoc animal sentit quid sit ordo, quid sit quod deceat in factis dictisque, quid modus. Itaque eorum ipsorum, quae adspectu sentiuntur, nullum aliud animal pulchritudinem, venustatem, convenientiam partium sentit: quam similitudinem natura ratioque ab oculis ad animum transferens multo etiam magis pulchritudinem, constantiam, ordinem in consiliis factisque conservandum putat cavetque ne quid indecore effeminateve faciat, tum in omnibus et opinionibus et factis, ne quid lubidinose aut faciat aut cogitet. Quibus ex rebus conflatur et efficitur id quod quaerimus honestum: quod etiam si nobilitatum non sit, tamen honestum sit, quodque vere dicimus, etiam si a nullo laudetur, natura esse laudabile.

4. Love of order and sense of propriety another natural principle. As man has a natural perception of grace and symmetry in outward and sensible objects, so has he an internal sense of moral fitness and right behaviour.

But the above four principles are the constituent parts of *honestum*, or moral goodness.

V 15. Formam quidem ipsam, Marce fili, et tamquam faciem honesti vides, quae si oculis cerneretur, mirabiles amores, ut ait Plato, excitaret sapientiae. Sed omne, quod est honestum, id quattuor partium oritur ex aliqua. Aut enim in perspicientia veri sollertiaque versatur, aut in hominum societate tuenda tribuendoque suum cuique et rerum contractarum fide, aut in animi excelsi atque invicti magnitudine ac robore, aut in omnium quae fiunt quaeque dicuntur ordine et modo, in quo inest modestia et temperantia. Quae quattuor quamquam inter se colligata atque implicata sunt, tamen ex singulis certa officiorum genera nascuntur: velut ex ea parte, quae prima descripta est, in qua sapientiam et prudentiam ponimus, inest indagatio atque inventio veri; eiusque virtutis hoc munus est proprium. 16. Ut enim quisque maxime perspicit, quid in re quaque verissimum sit, quique acutissime et celerrime potest et videre et explicare rationem, is prudentissimus et sapientissimus rite haberi solet. Quocirca huic quasi materia, quam tractet et in qua versetur, subiecta est veritas. 17. Reliquis autem tribus virtutibus necessitates propositae sunt ad eas res parandas tuendasque quibus actio vitae continetur, ut et societas hominum coniunctioque servetur et animi excellentia magnitudoque cum in augendis opibus utilitatibusque et sibi et suis comparandis, tum multo magis in his ipsis despiciendis eluceat. Ordo autem et constantia et moderatio et ea quae sunt his similia versantur in eo genere ad quod est adhibenda actio quaedam, non solum mentis agitatio. His enim rebus, quae tractantur in vita, modum quendam et ordinem adhibentes honestatem et decus conservabimus.

Peculiar Duties and Obligations attached to the several divisions of the *honestum*, i.e. to the several cardinal Virtues: e.g. the proper office of Wisdom or theoretical Virtue is the investigation of Truth; therefore it is speculative and not as the remaining three, practical.

5 praecipienti *del. Sauppius, uncis incl. Ba, Heine* || 10 in factis dictisque quid modus *Unger Heine,* qui modus *codd.* || 16 conservanda *Ba Heine Lu cum codd. recentioribus* || 17 faciat, tum—factis *del. H; etiam* ne quid libidinose *Dobraeus Adv.* II 374 || 21 honestum est *Or Heine* || 26 [sapientiae] *Gernhard*

VI The First of the four cardinal Virtues: viz. Wisdom is most of all conformable to our natural notions. In the gratification of this natural desire of knowledge we are liable to two serious errors:

1, over-hastiness of judgment;

2, waste of time on aimless and unprofitable studies. It ought not to supersede active duties.

CH. VI.

18. Ex quattuor autem locis, in quos honesti naturam vimque divisimus, primus ille, qui in veri cognitione consistit, maxime naturam attingit humanam. Omnes enim trahimur et ducimur ad cognitionis et scientiae cupiditatem, in qua excellere pulchrum putamus, labi autem errare, nescire decipi et malum et turpe ducimus. In hoc genere et naturali et honesto duo vitia vitanda sunt: unum, ne incognita pro cognitis habeamus iisque temere assentiamur, quod vitium effugere qui volet—omnes autem velle debent—adhibebit ad considerandas res et tempus et diligentiam. 19. Alterum est vitium, quod quidam nimis magnum studium multamque operam in res obscuras atque difficiles conferunt easdemque non necessarias. Quibus vitiis declinatis quod in rebus honestis et cognitione dignis

16 item *Pearce Heine Ba* || 18 *et* 30 iis *Ba Hei Lu cum uno cod.*

operae curaeque ponetur, id iure laudabitur, ut in astrologia C. Sulpicium audivimus, in geometria Sex. Pompeium ipsi cognovimus, multos in dialecticis, plures in iure civili: quae omnes artes in veri investigatione versantur, cuius studio a rebus gerendis abduci contra officium est. Virtutis enim laus omnis in actione consistit, a qua tamen fit intermissio saepe multique dantur ad studia reditus; tum agitatio mentis, quae numquam adquiescit, potest nos in studiis cognitionis etiam sine opera nostra continere. Omnis autem cogitatio motusque animi aut in consiliis capiendis de rebus honestis et pertinentibus ad bene beateque vivendum aut in studiis scientiae cognitionisque versabitur. Ac de primo quidem officii fonte diximus.

VII

Of the Second cardinal Virtue: CH. VII—XVIII § 20—§ 60.

Two parts of it, Justice and Beneficence.

20. De tribus autem reliquis latissime patet ea ratio qua societas hominum inter ipsos et vitae quasi communitas continetur, cuius partes duae; iustitia, in qua virtutis est splendor maximus, ex qua viri boni nominantur, et huic coniuncta beneficentia, quam eandem vel benignitatem vel liberalitatem appellari licet.

Of Justice: CH. VII—XIII § 20—§ 41.

Its first duty; To do no wrong, except on provocation.

Sed iustitiae primum munus est, ut ne cui quis noceat nisi lacessitus iniuria, deinde ut communibus pro communibus utatur, privatis ut suis. 21. Sunt autem privata nulla natura, sed aut vetere occupatione, ut qui quondam in vacua venerunt, aut victoria, ut qui bello potiti sunt, aut lege, pactione, condicione, sorte: ex quo fit ut ager Arpinas Arpinatium dicatur, Tusculanus Tusculanorum, similisque est privatarum possessionum descriptio. Ex quo, quia suum cuiusque fit, eorum quae natura fuerant communia, quod cuique optigit, id quisque teneat: e quo si quis sibi appetet, violabit ius humanae societatis. 22. Sed quoniam, ut praeclare scriptum est a Platone, non nobis solum nati sumus ortusque nostri partem patria vindicat, partem amici, atque, ut placet Stoicis, quae in terris gignantur

2 audimus *Or cum duob. codd.* || 8 cogitationis *vulgo* || 16 duae [sunt] *Or;* duae sunt *Ba Hei Lu,* duae *plerique codd.* || 27 discriptio *Ba Lu cum uno codice* || 30 eo si qui sibi plus *Or,* e quo...plus *alii,* de quo *Heine* || 33 [partem parentes] *Or*

ad usum hominum omnia creari, homines autem hominum caussa esse generatos, ut ipsi inter se [aliis alii] prodesse possent, in hoc naturam debemus ducem sequi, communes utilitates in medium afferre mutatione officiorum, dando accipiendo, tum artibus, tum opera, tum facultatibus devincire hominum inter homines societatem.

Its second duty: To do all the good in our power, and to supply the public needs.

The basis of Justice is good Faith.

23. Fundamentum autem est iustitiae fides, id est dictorum conventorumque constantia et veritas. Ex quo, quamquam hoc videbitur fortasse cuipiam durius, tamen audeamus imitari Stoicos, qui studiose exquirunt unde verba sint ducta, credamusque, quia 'fiat' quod dictum est, appellatam fidem.

Of Injustice there are two kinds, the one of *commission,* the other of *omission.*

Sed iniustitiae genera duo sunt: unum eorum qui inferunt, alterum eorum qui ab iis quibus infertur, si possunt, non propulsant iniuriam. Nam qui iniuste impetum in quempiam facit aut ira aut aliqua perturbatione incitatus, is quasi manus afferre videtur socio: qui autem non defendit nec obsistit, si potest, iniuriae, tam est in vitio quam si parentes aut amicos aut patriam deserat. 24.

a. Causes of the first kind are often Self-love or concern for our own safety, mostly the satisfaction of some irregular desire, as of *Riches:*

Atque illae quidem iniuriae, quae nocendi causa de industria inferuntur, saepe a metu proficiscuntur, cum is qui nocere alteri cogitat timet ne, nisi id fecerit, ipse aliquo afficiatur incommodo. Maximam autem partem ad iniuriam faciendam adgrediuntur, ut adipiscantur ea quae concupiverunt: in quo vitio latissime patet avaritia.

VIII

25. Expetuntur autem divitiae cum ad usus vitae necessarios, tum ad perfruendas voluptates. In quibus autem maior est animus, in iis pecuniae cupiditas spectat ad opes et ad gratificandi facultatem, ut nuper M. Crassus negabat ullam satis magnam pecuniam esse ei qui in re publica princeps vellet esse, cuius fructibus exercitum alere non posset. Delectant etiam magnifici apparatus vitaeque cultus cum elegantia et copia: quibus rebus effectum est ut infinita pecuniae cupiditas esset. Nec vero rei familiaris amplificatio nemini nocens vituperanda

2 *verba* aliis alii *interpolatori deberi primus vidit Cobetus Var. Lect. p.* 461. || 8 iustitiae est *Or*

est, sed fugienda semper iniuria est. 26. Maxume autem adducuntur plerique, ut eos iustitiae capiat oblivio, cum in imperiorum honorum gloriae cupiditatem inciderunt. Quod enim est apud Ennium:

still more often of *Glory* and *Power*. Instance in case of CAESAR.

nūlla sancta sócietas,
néc fides regni ést,—

id latius patet. Nam quidquid eius modi est in quo non possint plures excellere, in eo fit plerumque tanta contentio, ut difficillimum sit servare 'sanctam societatem'. Declaravit id modo temeritas C. Caesaris, qui omnia iura divina et humana pervertit propter eum, quem sibi ipse opinionis errore finxerat, principatum. Est autem in hoc genere molestum, quod in maximis animis splendidissimisque ingeniis plerumque existunt honoris imperii, potentiae gloriae cupiditates. Quo magis cavendum est ne quid in eo genere peccetur. 27. Sed in omni iniustitia permultum interest utrum perturbatione aliqua animi, quae plerumque brevis est et ad tempus, an consulto et cogitata fiat iniuria. Leviora enim sunt ea quae repentino aliquo motu accidunt, quam ea quae meditata et praeparata inferuntur. Ac de inferenda quidem iniuria satis

There is a great distinction between wrongs committed under the influence of some brief passion and those which are wilful and premeditated.

IX dictum est. 28. Praetermittendae autem defensionis deserendique officii plures solent esse causae. Nam aut inimicitias aut laborem aut sumptus suscipere nolunt aut etiam neglegentia pigritia inertia aut suis studiis quibusdam occupationibusve sic impediuntur, ut eos quos tutari debeant desertos esse patiantur. Itaque videndum est ne non satis sit id quod apud Platonem est in philosophos dictum: quod in veri investigatione versentur quodque ea, quae plerique vehementer expetunt, de quibus inter se digladiari solent, contemnant et pro nihilo putent, propterea iustos esse. Nam alterum iustitiae genus assequuntur, [in] inferenda ne cui noceant iniuria, in

β. The causes which lead to the second kind of Injustice are fear of giving offence, fear of expense, Indolence etc.

10 atque humana *Or* ‖ 18 cogitate *Or:* cogitato *Madvig* ‖ 31 expetant ...soleant *Ba* ‖ 32 iustitiae genus *om. Or, Beier* ‖ 33 in inferenda *codd.* [in] inferenda *Or:* ut inferenda *Halm* ‖ 33 in alterum incidunt *Or cum cett., vide not.*

altero delinquunt; discendi enim studio impediti quos tueri debent deserunt. Itaque eos ne ad rem publicam quidem accessuros putat nisi coactos. Aequius autem erat id voluntate fieri. Nam hoc ipsum ita iustum est, quod recte fit, si est voluntarium. 29. Sunt etiam qui aut studio rei familiaris tuendae aut odio quodam hominum suum se negotium agere dicant nec facere cuiquam videantur iniuriam: qui altero genere iniustitiae vacant, in alterum incurrunt. Deserunt enim vitae societatem, quia nihil conferunt in eam studii, nihil operae, nihil facultatum.

Quoniam igitur duobus generibus iniustitiae propositis adiunximus causas utriusque generis easque res ante constituimus quibus iustitia contineretur, facile quod cuiusque temporis officium sit poterimus, nisi nosmet ipsos valde amabimus, iudicare. 30. Est enim difficilis cura rerum alienarum. Quamquam Terentianus ille Chremes 'humani nihil a se alienum putat.' Sed tamen, quia magis ea percipimus atque sentimus, quae nobis ipsis aut prospera aut adversa eveniunt, quam illa, quae ceteris, quae quasi longo intervallo interiecto videmus, aliter de illis ac de nobis iudicamus. Quocirca bene praecipiunt qui vetant quicquam agere, quod dubites aequum sit an iniquum: aequitas enim lucet ipsa per se, dubitatio cogitationem significat iniuriae.

An excellent rule for avoiding all injustice.

X 31. Sed incidunt saepe tempora, cum ea, quae maxime videntur digna esse iusto homine eoque quem virum bonum dicimus, commutantur fiuntque contraria, ut reddere depositum, facere promissum, quaeque pertinent ad veritatem et ad fidem, ea migrare interdum et non servare fit iustum. Referri enim decet ad ea quae posui principio fundamenta iustitiae: primum ut ne cui noceatur, deinde ut communi utilitati serviatur. Ea cum tempore commutantur, commutatur officium et non semper est idem. 32. Potest enim accidere promissum aliquod et conventum, ut id effici sit inutile vel ei cui promissum sit, vel ei qui promiserit. Nam si, ut in fabulis est, Neptunus quod Theseo promiserat non fecisset,

The duties of Justice are modified by circumstances.

Thus promises and contracts are not always to be adhered to, *e.g.* if they are prejudicial either to the

2 debeant *Or* ‖ 7 ne facere *Or vulgo* ‖ 11 Quando *Heine cum codd.*

promiser or to the promisee;

Theseus Hippolyto filio non esset orbatus. Ex tribus enim optatis, ut scribitur, hoc erat tertium, quod de Hippolyti interitu iratus optavit: quo impetrato in maximos luctus incidit. Nec promissa igitur servanda sunt ea quae sint iis quibus promiseris inutilia, nec, si plus tibi ea noceant quam illi prosint cui promiseris, contra officium est maius anteponi minori, ut, si constitueris cuipiam te advocatum in rem praesentem esse venturum atque interim graviter aegrotare filius coeperit, non sit contra officium non facere quod dixeris, magisque ille, cui promissum sit, ab officio discedat, si se destitutum queratur. Iam illis promissis standum non esse quis non videt, quae coactus quis metu, quae deceptus dolo promiserit? quae quidem pleraque iure praetorio liberantur, non nulla legibus.

or if made under circumstances of intimidation or deceit.

Injustice is often done by a too strict adherence to the letter of the law, even in transactions between one state and another.

33. Exsistunt etiam saepe iniuriae calumnia quadam et nimis callida, sed malitiosa iuris interpretatione. Ex quo illud 'summum ius summa iniuria' factum est iam tritum sermone proverbium. Quo in genere etiam in re publica multa peccantur, ut ille, qui, cum triginta dierum essent cum hoste indutiae factae, noctu populabatur agros, quod dierum essent pactae, non noctium indutiae. Ne noster quidem probandus, si verum est Q. Fabium Labeonem seu quem alium —nihil enim habeo praeter auditum—arbitrum Nolanis et Neapolitanis de finibus a senatu datum, cum ad locum venisset, cum utrisque separatim locutum, ne cupide quid agerent, ne appetenter, atque ut regredi quam progredi mallent. Id cum utrique fecissent, aliquantum agri in medio relictum est. Itaque illorum finis sic, ut ipsi dixerant, terminavit: in medio relictum quod erat populo Romano adiudicavit. Decipere hoc quidem est, non iudicare. Quocirca in omni est re fugienda talis sollertia.

XI Sunt autem quaedam officia etiam adversus eos servanda, a quibus iniuriam acceperis. Est enim ulciscendi et puniendi

17 *verba* sed malitiosa *insiticia putant Ba Heine* et malitiosa *Lu alii* ‖ 27 ut ne *Or Z*: ne *Ba Hei Lu* ‖ 32 in omni re fugienda est *Or Z contra codd.*

Justice imposes duties on us even towards those by whom we have been wronged,

modus, atque haud scio an satis sit eum qui lacessierit iniuriae suae paenitere, ut et ipse ne quid tale posthac et ceteri sint ad iniuriam tardiores. 34. Atque in re publica maxime conservanda sunt iura belli. Nam cum sint duo genera decertandi, unum per disceptationem, alterum per vim, cumque illud proprium sit hominis, hoc beluarum, confugiendum est ad posterius, si uti non licet superiore. 35. Qua re suscipienda quidem bella sunt ob eam causam, ut sine iniuria in pace vivatur, parta autem victoria conservandi ii qui non crudeles in bello, non immanes fuerunt, ut maiores nostri Tusculanos, Aequos, Volscos, Sabinos, Hernicos in civitatem etiam acceperunt, at Karthaginem et Numantiam funditus sustulerunt: nollem Corinthum, sed credo aliquid secutos, opportunitatem loci maxume, ne posset aliquando ad bellum faciendum locus ipse adhortari. Mea quidem sententia paci, quae nihil habitura sit insidiarum, semper est consulendum. In quo si mihi esset optemperatum, si non optumam, at aliquam rem publicam, quae nunc nulla est, haberemus. Et cum iis quos vi deviceris consulendum est, tum ii qui armis positis ad imperatorum fidem confugient, quamvis murum aries percusserit, recipiendi. In quo tanto opere apud nostros iustitia culta est, ut ii, qui civitates aut nationes devictas bello in fidem recepissent, earum patroni essent more maiorum. 36. Ac belli quidem aequitas sanctissime fetiali populi Romani iure perscripta est. Ex quo intellegi potest nullum bellum esse iustum nisi quod aut rebus repetitis geratur aut denuntiatum ante sit et indictum. [Popilius imperator tenebat provinciam, in cuius exercitu Catonis filius tiro militabat. Cum autem Popilio videretur unam dimittere legionem, Catonis quoque filium, qui in eadem legione militabat, dimisit. Sed cum amore pugnandi in exercitu remansisset, Cato ad Popilium scripsit, ut, si eum patitur in exercitu remanere, secundo eum obliget militiae

towards public enemies. Rights of War. War should be resorted to only as an extreme measure, and conducted on humane principles. CH. XI—XIII.

Humane spirit of the Roman international law illustrated by an anecdote concerning the elder CATO,

30 Popilius—movendo *delet Madvigius, uncis incluserunt Ba Heine Lu* ‖ 35 pateretur *Or*, patitur *cum codd. Ba Heine Lu*

sacramento: quia priore amisso iure cum hostibus pugnare non poterat. Adeo summa erat observatio in bello movendo.] 37. Marci quidem Catonis senis est epistula ad Marcum filium, in qua scribit se audisse eum missum factum esse a consule, cum in Macedonia bello Persico miles esset. Monet igitur ut caveat ne proelium ineat: negat enim ius esse qui miles non sit cum hoste pugnare.

XII

and by their use of the term *hostis*.

Equidem etiam illud animadverto, quod, qui proprio nomine perduellis esset, is hostis vocaretur, lenitate verbi rei tristitiam mitigatam. Hostis enim apud maiores nostros is dicebatur quem nunc peregrinum dicimus. Indicant duodecim tabulae: AVT STATVS DIES CVM HOSTE, itemque ADVERSVS HOSTEM AETERNA AVCTORITAS. Quid ad hanc mansuetudinem addi potest, eum, quicum bellum geras, tam molli nomine appellare? Quamquam id nomen durius effecit iam vetustas; a peregrino enim recessit et proprie in eo qui arma contra ferret remansit. 38. Cum vero de imperio decertatur belloque quaeritur gloria, causas omnino subesse tamen oportet easdem, quas dixi paullo ante iustas causas esse bellorum. Sed ea bella, quibus imperii proposita gloria est, minus acerbe gerenda sunt. Ut enim cum civi aliter contendimus, si est inimicus, aliter, si competitor—cum altero certamen honoris et dignitatis est, cum altero capitis et famae—, sic cum Celtiberis, cum Cimbris bellum ut cum inimicis gerebatur, uter esset, non uter imperaret, cum Latinis Sabinis Samnitibus, Poenis Pyrrho de imperio dimicabatur. Poeni foedifragi, crudelis Hannibal, reliqui iustiores. Pyrrhi quidem de captivis reddendis illa praeclara:

Some Wars are undertaken for glory and conquest alone, others for the sake of safety. In either case there must be just grounds for the commencement of War, only they must be conducted differently.

Generous sentiment of PYRRHUS about ransoming prisoners of war.

Nec mi aurum posco nec mi pretium dederitis;
non cauponantes bellum, sed belligerantes,
ferro, non auro vitam cernamus utrique.
vosne velit, an me regnare era quidve ferat Fors,
virtute experiamur. et hoc simul accipe dictum:
quorum virtutei belli fortuna pepercit,

11 ut *Or*, aut *Ba cum codd.* ‖ 21 cum civiliter contendimus, aliter si *Or vulgo, correxit Anemoecius* ‖ 31 non *Ba Heine Lu Vahlen cum uno codice*, nec *vulgo* ‖ 33 hera *Or* ‖ 34 acpite *Zu post H*

eorundem libertati me parcere certumst:
dono, ducite, doque volentibus cum magnis dis.

Regalis sane et digna Aeacidarum genere sententia.

XIII

Individuals as well as states are bound in justice to keep promises made under particular circumstances to an enemy.
Story of REGULUS.

39. Atque etiam, si quid singuli temporibus adducti hosti promiserunt, est in eo ipso fides conservanda, ut primo Punico bello Regulus captus a Poenis, cum de captivis commutandis Romam missus esset iurassetque se rediturum, primum, ut venit, captivos reddendos in senatu non censuit, deinde, cum retineretur a propinquis et ab amicis, ad supplicium redire maluit quam fidem hosti datam fallere.

[Instance of perjury in ten Roman soldiers during the 2nd Punic War.

[40. Secundo autem Punico bello post Cannensem pugnam quos decem Hannibal Romam astrictos misit iure iurando se redituros esse, nisi de redimendis iis qui capti erant impetrassent, eos omnes censores, quoad quisque eorum vixit, qui peierassent, in aerariis reliquerunt, nec minus illum, qui iuris iurandi fraude culpam invenerat. Cum enim Hannibalis permissu exisset de castris, rediit paulo post, quod se oblitum nescio quid diceret. Deinde egressus e castris iure iurando se solutum putabat, et erat verbis, re non erat. Semper autem in fide quid senseris, non quid dixeris, cogitandum. Maximum autem exemplum est iustitiae in hostem a maioribus nostris constitutum, cum a Pyrrho perfuga senatui est pollicitus se venenum regi daturum et eum necaturum: senatus et C. Fabricius perfugam Pyrrho dedidit. Ita ne hostis quidem et potentis et bellum ultro inferentis interitum cum scelere approbavit.]

Example of justice towards an enemy in the case of FABRICIUS and PYRRHUS.]

41. Ac de bellicis quidem officiis satis dictum est. Meminerimus autem etiam adversus infimos iustitiam esse servandam. Est autem infima conditio et fortuna servorum, quibus non male praecipiunt qui ita iubent uti ut mercennariis: operam exigendam, iusta praebenda. Cum autem duobus modis, id est aut vi aut fraude, fiat iniuria, fraus quasi vulpeculae, vis leonis videtur: utrumque homine alienissimum, sed fraus odio digna maiore. Totius autem iniustitiae nulla capitalior est

Justice is to be extended even to slaves.

Wrong perpetrated in two ways:—by *Force* and *Fraud*.
The worst species of Injustice is that which is

16 quia *pro* qui *Ba post H. I. Heller* (*Philol. Schneidewin* XII *p.* 302 *sqq.*), qui *Or*, quod *Lambinus*

accompanied with Hypocrisy.

quam eorum, qui tum, cum maxime fallunt, id agunt ut viri boni esse videantur. De iustitia satis dictum.

XIV

Of Liberality, the second part of general Justice.

CH. XIV.—XVIII § 42—§ 60.

Three cautions to be observed in the exercise of it:

A. That our bounty prove not injurious to its object or to others.

42. Deinceps, ut erat propositum, de beneficentia ac de liberalitate dicatur, qua quidem nihil est naturae hominis accommodatius, sed habet multas cautiones. Videndum est enim primum, ne obsit benignitas et iis ipsis quibus benigne videbitur fieri, et ceteris, deinde ne maior benignitas sit quam facultates, tum ut pro dignitate cuique tribuatur. Id enim est iustitiae fundamentum, ad quam haec referenda sunt omnia. Nam et qui gratificantur cuipiam, quod obsit illi, cui prodesse velle videantur, non benefici neque liberales sed perniciosi adsentatores iudicandi sunt; et qui aliis nocent, ut in alios liberales sint, in eadem sunt iniustitia, ut si in suam rem aliena convertant. 43. Sunt autem multi et quidem cupidi splendoris et gloriae, qui eripiunt aliis quod aliis largiantur, iique arbitrantur se beneficos in suos amicos visum iri, si locupletent eos quacumque ratione. Id autem tantum abest ab officio, ut nihil magis officio possit esse contrarium. Videndum est igitur, ut ea liberalitate utamur, quae prosit amicis, noceat nemini. Quare L. Sullae, C. Caesaris pecuniarum translatio a iustis dominis ad alienos non debet liberalis videri. Nihil est enim liberale, quod non idem iustum. 44. Alter locus erat cautionis, ne benignitas maior esset quam facultates, quod qui benigniores volunt esse quam res patitur, primum in eo peccant quod iniuriosi sunt in proximos; quas enim copias his et suppeditari aequius est et relinqui, eas transferunt ad alienos. Inest autem in tali liberalitate cupiditas plerumque rapiendi et auferendi per iniuriam, ut ad largiendum suppetant copiae. Videre etiam licet plerosque non tam natura liberales quam quadam gloria ductos, ut benefici videantur, facere multa quae proficisci ab ostentatione magis quam a voluntate videantur.

B. That it be not suffered to exceed our means and abilities.

2 dictum est *vulgo*: est *om. Ba Be Heine Lu* || 17 hique *Zu, Or*; iique *Ba Heine Lu* || 19 abest ab officio *Ba Heine Lu*, abest officio *Zu vide not.* || 28 iis *Zu*

Talis autem simulatio vanitati est coniunctior quam aut liberalitati aut honestati.

C. That it be proportioned to the Merit of the Receiver: which is of several sorts, as

45. Tertium est propositum, ut in beneficentia dilectus esset dignitatis: in quo et mores eius erunt spectandi, in quem beneficium conferetur, et animus erga nos et communitas ac societas vitae et ad nostras utilitates officia ante collata: quae ut concurrant omnia optabile est: si minus, plures causae

XV maioresque ponderis plus habebunt. 46. Quoniam autem vivitur non cum perfectis hominibus planeque sapientibus, sed cum iis in quibus praeclare agitur si sunt simulacra virtutis, etiam hoc intellegendum puto, neminem omnino esse neglegendum, in quo aliqua significatio virtutis appareat, colendum autem esse ita quemque maxime, ut quisque maxime virtutibus his lenioribus erit ornatus, modestia, temperantia, hac ipsa, de qua multa iam dicta sunt, iustitia. Nam fortis animus et magnus in homine non perfecto nec sapienti ferventior plerumque est, illae virtutes bonum virum videntur potius attingere. Atque haec in moribus. 47. De benevolentia autem, quam quisque habeat erga nos, primum illud est in officio ut ei plurimum tribuamus a quo plurimum diligamur; sed benevolentiam non adulescentulorum more ardore quodam amoris, sed stabilitate potius et constantia iudicemus. Sin erunt merita, ut non ineunda, sed referenda sit gratia, maior quaedam cura adhibenda est; nullum enim officium referenda gratia magis necessarium est. 48. Quod si ea quae utenda acceperis maiore mensura, si modo possis, iubet reddere Hesiodus, quidnam beneficio provocati facere debemus? an imitari agros fertiles, qui multo plus efferunt quam acceperunt? Etenim si in eos, quos speramus nobis profuturos, non dubitamus officia conferre, quales in eos esse debemus qui iam profuerunt? Nam cum duo genera liberalitatis sint, unum dandi beneficii,

a. Moral character.

b. The goodwill borne to us.

c. The services done us. Gratitude a most necessary duty.

Liberality consists either in bestowing or in re-

4 delectus *Or*; dilectus *Ba* || 18 sapiente *vulgo*; sapienti *Ba, qui Tullium semper scripsisse* 'sapienti' 'vecordi' 'praecipiti' *similia censet, ubi quidem adiectivi locum, non substantivi aut veri participii, obtineant.*

turning kindness. The latter indispensable. The actual benefits conferred, and the motive and manner of them to be considered.

alterum reddendi, demus necne in nostra potestate est, non reddere viro bono non licet, modo id facere possit sine iniuria. 49. Acceptorum autem beneficiorum sunt dilectus habendi: nec dubium quin maximo cuique plurimum debeatur. In quo tamen in primis, quo quisque animo studio benevolentia fecerit, ponderandum est. Multi enim faciunt multa temeritate quadam sine iudicio vel morbo in omnes vel repentino quodam, quasi vento, impetu animi incitati: quae beneficia aeque magna non sunt habenda atque ea, quae iudicio, considerate constanterque delata sunt. Sed in collocando beneficio et in referenda gratia, si cetera paria sunt, hoc maxume officii est, ut quisque maxime opis indigeat, ita ei potissimum opitulari: quod contra fit a plerisque. A quo enim plurimum sperant, etiam si ille iis non eget, tamen ei potissimum inserviunt.

General rule given.

XVI

d. Above all, the Degree of *relationship* in which he stands to us. Investigation of the Principles of human Society. The first and most comprehensive Society is that between all men, as men: the duties which it imposes.

50. Optime autem societas hominum coniunctioque servabitur, si, ut quisque erit coniunctissimus, ita in eum benignitatis plurimum conferetur. Sed, quae naturae principia sint communitatis et societatis humanae, repetendum videtur altius. Est enim primum, quod cernitur in universi generis humani societate. Eius autem vinculum est ratio et oratio, quae docendo discendo, communicando disceptando iudicando conciliat inter se homines coniungitque naturali quadam societate, neque ulla re longius absumus a natura ferarum, in quibus inesse fortitudinem saepe dicimus, ut in equis in leonibus; iustitiam aequitatem bonitatem non dicimus: sunt enim rationis et orationis expertes. 51. Ac latissime quidem patens hominibus inter ipsos, omnibus inter omnes societas haec est; in qua omnium rerum, quas ad communem hominum usum natura genuit, est servanda communitas; ut, quae discripta sunt legibus et iure civili, haec ita

4 dilectus *Ba Heine Lu;* delectus *Or Zu* || 8 vel modo *vulgo Or* || 16 is non eget *Zu Or;* ille iis non eget *Ba Heine Lu cum codd.* || 20 natura *vulgo;* naturae *Ba Heine Lu cum mell. codd.* || 33 descripta *Zu Or*

teneantur, ut est constitutum legibus ipsis, cetera sic observentur, ut in Graecorum proverbio est; 'amicorum esse communia omnia.' Omnium autem communia hominum videntur ea quae sunt generis eius quod ab Ennio positum in una re transferri in multas potest:

Homŏ qui erranti cŏmiter monstrăt viam,
quasi lŭmen de suo lŭmine accendăt facit.
nihilŏ minus ipsi lŭcet, cum illi accĕnderit.

Una ex re satis praecipit ut, quidquid sine detrimento commodari possit, id tribuatur vel ignoto. 52. Ex quo sunt illa communia; 'non prohibere aqua profluenti, pati ab igne ignem capere, si qui velit, consilium fidele deliberanti dare': quae sunt iis utilia qui accipiunt, danti non molesta. Qua re et his utendum est et semper aliquid ad communem utilitatem afferendum. Sed quoniam copiae parvae singulorum sunt, eorum autem qui his egeant infinita est multitudo, vulgaris liberalitas referenda est ad illum Ennii finem 'Nihilominus ipsi lucet,' ut facultas sit qua in nostros simus liberales.

XVII

Several subordinate gradations of human society by which duties are *varied;* as Race, Nation, Language, Country,

53. Gradus autem plures sunt societatis hominum. Ut enim ab illa infinita discedatur, propior est eiusdem gentis, nationis, linguae, qua maxume homines coniunguntur; interius etiam est eiusdem esse civitatis. Multa enim sunt civibus inter se communia: forum fana, porticus viae, leges iura, iudicia suffragia, consuetudines praeterea et familiaritates multisque cum multis res rationesque contractae. Artior vero colligatio est societatis propinquorum: ab illa enim immensa societate humani generis in exiguum angustumque concluditur. 54. Nam cum sit hoc natura commune animantium, ut habeant lubidinem procreandi, prima societas in ipso coniugio est, proxima in liberis, deinde una domus,

Relationship and Affinity. Degrees of Relationship. Domestic government the origin of political government.

1 sit constitutum legibus ipsis *Ba post Gulielmium;* sit constitutum: e quibus ipsis *vulgo Or:* est *pro* sit *Heine Lu.* || 3 omnium *Zu Ba*, omnia *Or St cum codd. Recte Lund* 'omnia *si scripsisset Cicero, non primo loco posuisset sed potius postremo* (communia autem hominum omnia)' || 5 permultas *Ba Heine cum aliquot codd.* || 9 praecipitur *Or* || 11 profluenti *Heine*, profluente *vulgo.*

communia omnia. Id autem est principium urbis et quasi seminarium rei publicae. Sequuntur fratrum coniunctiones, post consobrinorum sobrinorumque, qui cum una domo iam capi non possint, in alias domos tamquam in colonias exeunt. Sequuntur conubia et adfinitates, ex quibus etiam plures propinqui. Quae propagatio et suboles origo est rerum publicarum. Sanguinis autem coniunctio et benevolentia devincit homines et caritate. 55. Magnum est enim eadem habere monumenta maiorum, eisdem uti sacris, sepulchra habere communia. Sed omnium societatum nulla praestantior est, nulla firmior, quam cum viri boni moribus similes sunt familiaritate coniuncti. Illud enim honestum, quod saepe dicimus, etiam si in alio cernimus, [tamen] nos movet atque illi, in quo id inesse videtur, amicos facit. 56. Et quamquam omnis virtus nos ad se allicit facitque ut eos diligamus in quibus ipsa inesse videatur, tamen iustitia et liberalitas id maxime efficit. Nihil autem est amabilius nec copulatius quam morum similitudo bonorum. In quibus enim eadem studia sunt, eaedem voluntates, in iis fit ut aeque quisque altero delectetur ac se ipso, efficiturque id quod Pythagoras vult in amicitia, ut unus fiat ex pluribus. Magna etiam illa communitas est quae conficitur ex beneficiis ultro et citro datis acceptis, quae et mutua et grata dum sunt, inter quos ea sunt firma devinciuntur societate.

The firmest bond of union is that of *Friendship* between good men.

Interchange of kindnesses another bond.

57. Sed cum omnia ratione animoque lustraris, omnium societatum nulla est gravior, nulla carior quam ea, quae cum re publica est uni cuique nostrum. Cari sunt parentes, cari liberi propinqui familiares, sed omnes omnium caritates patria una complexa est, pro qua quis bonus dubitet mortem oppetere, si ei sit profuturus? Quo est detestabilior istorum inmanitas, qui lacerarunt omni scelere patriam et in ea funditus delenda

The ties of *Country* stronger than those of Relationship.

7 et benevolentia—caritate *codd. antiqq.* ‖ 13 tamen *uncis includit Ba probante Heine* ‖ 21 ultimum in amicitia putavit *Heine post Nonium s. v. ultimum; vide not. ad l.* ‖ 23 ultro et citro *Z Ba Heine cum codd.*, ultro citro *Or.*

occupati et sunt et fuerunt. 58. Sed si contentio quaedam et comparatio fiat, quibus plurimum tribuendum sit officii, principes sint patria et parentes, quorum beneficiis maximis obligati sumus, proximi liberi totaque domus, quae spectat in nos solos neque aliud ullum potest habere perfugium, deinceps bene convenientes propinqui, quibuscum communis etiam fortuna plerumque est. Quam ob rem necessaria praesidia vitae debentur iis maxime quos ante dixi, vita autem victusque communis, consilia sermones, cohortationes consolationes, interdum etiam obiurgationes in amicitiis vigent maxime, estque ea iucundissima amicitia quam similitudo morum coniugavit.

Next come Parents and Children.

XVIII

59. Sed in his omnibus officiis tribuendis videndum erit, quid cuique maxime necesse sit et quid quisque vel sine nobis aut possit consequi aut non possit. Ita non idem erunt necessitudinum gradus qui temporum, suntque officia quae aliis magis quam aliis debeantur, ut vicinum citius adiuveris in fructibus percipiendis quam aut fratrem aut familiarem; at si lis in iudicio sit, propinquum potius et amicum quam vicinum defenderis. Haec igitur et talia circumspicienda sunt in omni officio et consuetudo exercitatioque capienda, ut boni ratiocinatores officiorum esse possimus et addendo deducendoque videre, quae reliqui summa fiat, ex quo quantum cuique debeatur intellegas. 60. Sed, ut nec medici nec imperatores nec oratores, quamvis artis praecepta perceperint, quicquam magna laude dignum sine usu et exercitatione consequi possunt, sic officii conservandi praecepta traduntur illa quidem, ut facimus ipsi, sed rei magnitudo usum quoque exercitationemque desiderat. Atque ab iis rebus, quae sunt in iure societatis humanae, quem ad modum ducatur honestum, ex quo aptum est officium, satis fere diximus.

Exceptional circumstances in the exercise of Liberality—which make some duties more obligatory than others.

Rules signify but little in themselves, unless confirmed by practice.

Third Cardinal Virtue

61. Intellegendum autem est, cum propo-

22 et consuetudo exercitatioque capienda *ut spuria uncis inclusit Ba. post Facciolatum probante Heine*

Fortitude
CH. XVIII—XXVI § 61—§ 92.
It is more glorious in the estimation of the world, than any of the other three.

sita sint genera quattuor, e quibus honestas officiumque manaret, splendidissimum videri quod animo magno elatoque humanasque res despiciente factum sit. Itaque in probris maxime in promptu est, si quid tale dici potest:

Vós enim iuvenes ánimum geritis múliebrem, illa virgó viri,

et si quid eiusmodi:

Salmácida, spolia sine sudore et sánguine.

Contraque in laudibus, quae magno animo fortiter excellenterque gesta sunt, ea nescio quo modo quasi pleniore ore laudamus. Hinc rhetorum campus de Marathone Salamine, Plataeis Thermopylis, Leuctris, hinc noster Cocles, hinc Decii, hinc Cn. et P. Scipiones, hinc M. Marcellus, innumerabiles alii, maximeque ipse populus Romanus animi magnitudine excellit. Declaratur autem studium bellicae gloriae, quod statuas quoque videmus ornatu fere militari.

XIX

Fortitude must be accompanied with other good qualities: it is akin to Boldness, yet different from it both in the end and mode of action.
A definition of it by the Stoics, and an excellent remark of Plato to the same purpose.

62. Sed ea animi elatio, quae cernitur in periculis et laboribus, si iustitia vacat pugnatque non pro salute communi, sed pro suis commodis, in vitio est: non modo enim id virtutis non est, sed est potius inmanitatis omnem humanitatem repellentis. Itaque probe definitur a Stoicis fortitudo, cum eam virtutem esse dicunt propugnantem pro aequitate. Quocirca nemo, qui fortitudinis gloriam consecutus est insidiis et malitia, laudem est adeptus; nihil honestum esse potest, quod iustitia vacat.

63. Praeclarum igitur illud Platonis: 'Non' inquit, 'solum scientia, quae est remota ab iustitia, calliditas potius quam sapientia est appellanda, verum etiam animus paratus ad periculum, si sua cupiditate, non utilitate communi impellitur, audaciae potius nomen habeat quam fortitudinis.' Itaque viros fortes et magnanimos eosdem bonos et simplices, veritatis amicos minimeque fallaces esse volumus: quae sunt ex media laude

6 *ex hoc septenario heroicos effinxerunt edd.* enim *in* etenim *mutato*, virgo *in* virago: *v. Lachmann in Lucret. p.* 227 || 8 Salmaci da *Or Lu*; Saimacida *Ba. post Iul. Scaliger* (*Lect. Auson.* I 28) *Heine*

A complaint, that a spirit of fortitude is frequently accompanied with love of rule and disdain of control, which prompts to deeds of injustice.

iustitiae. 64. Sed illud odiosum est, quod in hac elatione et magnitudine animi facillime pertinacia et nimia cupiditas principatus innascitur. Ut enim apud Platonem est 'omnem morem Lacedaemoniorum inflammatum esse cupiditate vincendi', sic, ut quisque animi magnitudine maxume excellet, ita maxume vult princeps omnium vel potius solus esse. Difficile autem est, cum praestare omnibus concupieris, servare aequitatem, quae est iustitiae maxume propria. Ex quo fit ut neque disceptatione vinci se nec ullo publico ac legitimo iure patiantur, exsistuntque in re publica plerumque largitores et factiosi, ut opes quam maxumas consequantur et sint vi potius superiores quam iustitia pares. Sed quo difficilius, hoc praeclarius. Nullum est enim tempus quod iustitia vacare debeat. 65. Fortes igitur et magnanimi sunt habendi non qui

True greatness of mind incompatible with vain-gloriousness.

faciunt, sed qui propulsant iniuriam. Vera autem et sapiens animi magnitudo honestum illud, quod maxume natura sequitur, in factis positum, non in gloria iudicat principemque se esse mavult quam videri. Etenim qui ex errore imperitae multitudinis pendet, hic in magnis viris non est habendus. Facillime autem ad res iniustas inpellitur, ut quisque altissimo animo est, gloriae cupiditate: qui locus est sane lubricus, quod vix invenitur, qui laboribus susceptis periculisque aditis non quasi mercedem rerum gestarum desideret gloriam.

XX

The true characteristics of Fortitude are:—
1. A disregard of outward things and passive endurance;
CH. XX—XXIII § 79.
2. Active performance of great Actions, attended with danger and difficulty.
CH. XXIII § 80—CH. XXVI

66. Omnino fortis animus et magnus duabus rebus maxime cernitur, quarum una in rerum externarum despicientia ponitur, cum persuasum est nihil hominem nisi quod honestum decorumque sit aut admirari aut optare aut expetere oportere, nullique neque homini neque perturbationi animi nec fortunae succumbere. Altera est res, ut, cum ita sis affectus animo, ut supra dixi, res geras magnas illas quidem et maxume

6 excellet *cum antiqq. codd. Heusinger St Heine*, excellit *vulgo* || 28 persuasum est *Madvig de finn. p.* 448, *Ba Heine Lu*; persuasum sit *Or*

utiles, sed [ut] vehementer arduas plenasque laborum et periculorum cum vitae, tum multarum rerum, quae ad vitam pertinent. 67. Harum rerum duarum splendor omnis, amplitudo, addo etiam utilitatem, in posteriore est, causa autem et ratio efficiens magnos viros in priore. In eo est enim illud, quod excellentes animos et humana contemnentes facit. Id autem ipsum cernitur in duobus, si et solum id, quod honestum sit, bonum iudices et ab omni animi perturbatione liber sis. Nam et ea, quae eximia plerisque et praeclara videntur, parva ducere eaque ratione stabili firmaque contemnere fortis animi magnique ducendum est, et ea, quae videntur acerba, quae multa et varia in hominum vita fortunaque versantur, ita ferre ut nihil a statu naturae discedas, nihil a dignitate sapientis, robusti animi est magnaeque constantiae. 68. Non est autem consentaneum, qui metu non frangatur, eum frangi cupiditate, nec, qui invictum se a labore praestiterit, vinci a voluptate. Quam ob rem et haec videnda et pecuniae fugienda cupiditas: nihil enim est tam angusti animi tamque parvi quam amare divitias, nihil honestius magnificentiusque quam pecuniam contemnere, si non habeas; si habeas, ad beneficentiam liberalitatemque conferre. Cavenda est etiam gloriae cupiditas, ut supra dixi; eripit enim libertatem, pro qua magnanimis viris omnis debet esse contentio. Nec vero imperia expetenda ac potius aut non accipienda interdum aut deponenda non numquam. 69. Vacandum autem omni est animi perturbatione, cum cupiditate et metu tum etiam aegritudine et voluptate [animi] et iracundia, ut tranquillitas animi et securitas adsit, quae affert cum constantiam tum etiam dignitatem. Multi autem et sunt et fuerunt, qui eam quam dico tranquillitatem expetentes a negotiis publicis se

A comparison between these two. The latter is the more glorious: the former the efficient cause of greatness.

It consists in two particulars; *a.* in the right estimation of what is [the only] good: *b.* in freedom from all irregular desires, as of money, glory, power: and in the perpetual subjection of all the passions, as Fear, Sorrow, Anger, to the commands of Reason: for no otherwise can we attain that repose and contentment of mind which produces dignity and consistency in the character:

and which is to be aimed at in active as well as in re-

21 vitanda *cum duo codd. Ba Lu* || 30 voluptate animi *codd. praeter unum*, voluptate nimia *Or: vide not. ad l.*

tired life, by philosophers and private gentlemen as well as by sovereigns and princes.

removerint ad otiumque perfugerint: in his et nobilissimi philosophi longeque principes et quidam homines severi et graves nec populi nec principum mores ferre potuerunt vixeruntque non nulli in agris delectati re sua familiari. 70. His idem propositum fuit quod regibus, ut ne qua re egerent, ne cui parerent, libertate uterentur, cuius proprium est sic vivere, ut velis.

XXI Quare cum hoc commune sit potentiae cupidorum cum iis quos dixi otiosis, alteri se adipisci id posse arbitrantur, si opes magnas habeant, alteri, si contenti sint et suo et parvo. In quo neutrorum omnino contemnenda sententia est, sed et facilior et tutior et minus aliis gravis aut molesta vita est otiosorum, fructuosior autem hominum generi et ad claritatem amplitudinemque aptior eorum, qui se ad rem publicam et ad magnas res gerendas accommodaverunt. 71. Quapropter et iis forsitan concedendum sit rem publicam non capessentibus, qui excellenti ingenio doctrinae sese dediderunt, et iis qui aut valetudinis imbecillitate aut aliqua graviore causa impediti a re publica recesserunt, cum eius administrandae potestatem aliis laudemque concederent. Quibus autem talis nulla sit causa, si despicere se dicant ea quae plerique mirentur, imperia et magistratus, iis non modo non laudi, verum etiam vitio dandum puto. Quorum iudicium in eo, quod gloriam contemnant et pro nihilo putent, difficile factu est non probare, sed videntur labores et molestias, tum offensionum et repulsarum quasi quandam ignominiam timere et infamiam. Sunt enim, qui in rebus contrariis parum sibi constent, voluptatem severissime contemnant, in dolore sint molliores, gloriam neglegant, frangantur infamia, atque ea quidem non satis constanter. 72. Sed iis, qui habent a natura adiumenta rerum gerendarum, abiecta omni cunctatione adipiscendi magistratus et gerenda res publica est; nec

Comparison between the active and the retired Life.

Duty of serving the state incumbent upon all who possess the necessary qualifications: except in some cases. Generally it is a mark of moral cowardice to shrink from this service.

In what cases a man may be excused from serving the State.

Those ought to serve it, who are naturally qualified for the service. The qualifications requisite, the faults

1 removerunt—perfugerunt *Or contra codd.* || 23 est causa *Heine post Manutium*

to be eschewed and the rules to be observed by them.

enim aliter aut regi civitas aut declarari animi magnitudo potest. Capessentibus autem rem publicam nihilo minus quam philosophis, haud scio an magis etiam, ea magnificentia et despicientia adhibenda est rerum humanarum, quam saepe dico, et tranquillitas animi atque securitas, si quidem nec anxii futuri sunt et cum gravitate constantiaque victuri. 73. Quae faciliora sunt philosophis, quo minus multa patent in eorum vita, quae fortuna feriat, et quo minus multis rebus egent et quia, si quid adversi eveniat, tam graviter cadere non possunt. Quocirca non sine causa maiores motus animorum concitantur maiorque cura efficiendi rem publicam gerentibus quam quietis, quo magis iis magnitudo est animi adhibenda et vacuitas ab angoribus. Ad rem gerendam autem qui accedit caveat ne id modo consideret, quam illa res honesta sit, sed etiam ut habeat efficiendi facultatem: in quo ipso considerandum est ne aut temere desperet propter ignaviam aut nimis confidat propter cupiditatem. In omnibus autem negotiis, priusquam adgrediare, adhibenda est praeparatio diligens.

A statesman ought to provide proper means for carrying out right measures and must avoid despondency as well as excessive confidence.

XXII

Superiority of civil over military fortitude. Proofs of this by a comparison of historical examples, as of THEMISTOCLES with SOLON,

74. Sed cum plerique arbitrentur res bellicas maiores esse quam urbanas, minuenda est haec opinio. Multi enim bella saepe quaesiverunt propter gloriae cupiditatem, atque id in magnis animis ingeniisque plerumque contingit eoque magis, si sunt ad rem militarem apti [et cupidi bellorum gerendorum]. Vere autem si volumus iudicare, multae res extiterunt urbanae maiores clarioresque quam bellicae. 75. Quamvis enim Themistocles iure laudetur et sit eius nomen quam Solonis illustrius citeturque Salamis clarissimae testis victoriae, quae anteponatur consilio Solonis ei quo primum constituit Areopagitas, non minus praeclarum hoc quam illud iudicandum est. Illud enim semel profuit, hoc semper proderit civitati: hoc

3 nihil minus *Z Madvig cum codd.* || 4 ea (*pro* et) magnificentia *Madvig quoniam diremptio* magnificentiae *et* despicientiae *duplici* et *prava sit* || adhibenda est (*pro* sit) *Ba post Manutium Heine Lu* || 26 *Verba* et cupidi bellorum gerendorum *e margine irrepsisse indicat Ba post Saupium probante Heine;* callidi *pro* cupidi *coniecerat I F Heusinger*

consilio leges Atheniensium, hoc maiorum instituta servantur. Et Themistocles quidem nihil dixerit, in quo ipse Areopagum adiuverit, at ille vere ab se adiutum Themistoclem; est enim bellum gestum consilio senatus eius, qui a Solone erat constitutus. 76. Licet eadem de Pausania Lysandroque dicere, quorum rebus gestis quamquam imperium Lacedaemoniis *dilatatum* putatur, tamen ne minima quidem ex parte Lycurgi legibus et disciplinae conferendi sunt. Quin etiam ob has ipsas causas et parentiores habuerunt exercitus et fortiores. Mihi quidem neque pueris nobis M. Scaurus C. Mario neque, cum versaremur in re publica, Q. Catulus Cn. Pompeio cedere videbatur; parvi enim sunt foris arma, nisi est consilium domi. Nec plus Africanus, singularis et vir et imperator, in exscindenda Numantia rei publicae profuit quam eodem tempore P. Nasica privatus, cum Ti. Gracchum interemit. Quamquam haec quidem res non solum ex domestica est ratione—attingit enim bellicam, quoniam vi manuque confecta est—sed tamen id ipsum est gestum consilio urbano sine exercitu. 77. Illud autem optimum est, in quod invadi solere ab improbis et invidis audio:

PAUSANIAS and LYSANDER with LYCURGUS,

of distinguished Romans with one another,

Cedant arma togae, concedat laurea laudi.

of CICERO himself, to whose service in the overthrow of the Catilinarian conspiracy the testimony of Pompey is quoted.

Ut enim alios omittam, nobis rem publicam gubernantibus nonne togae arma cesserunt? Neque enim periculum in republica fuit gravius umquam nec maius otium: ita consiliis diligentiaque nostra celeriter de manibus audacissimorum civium delapsa arma ipsa ceciderunt. Quae res igitur gesta umquam in bello tanta? qui triumphus conferendus? 78. Licet enim mihi, Marce fili, apud te gloriari, ad quem et hereditas huius gloriae et factorum imitatio pertinet. Mihi quidem certe vir abundans bellicis laudibus, Cn. Pompeius, multis audientibus hoc tribuit, ut diceret frustra se

7 Lacedaemoniis putatur *codd. vulgo; videtur excidisse verbum velut* constitutum, paratum; Lacedaemoniis putatur dilatatum *ex uno codice Be Or:* partum *inserit Lambinus, recepit Ba* || 22 *pro* laudi *habet* paci *unus Bern. e Heine Lu*

triumphum tertium deportaturum fuisse, nisi meo in rem publicam beneficio ubi triumpharet esset habiturus. Sunt igitur domesticae fortitudines non inferiores militaribus: in quibus plus etiam, quam in his operae studiique ponendum est.

XXIII

Moral therefore and not physical strength is the proper test of Fortitude, though at the same time the body must be duly trained and disciplined. In war the wisdom of the Statesman not less influential than the skill of the General.

79. Omnino illud honestum, quod ex animo excelso magnificoque quaerimus, animi efficitur, non corporis viribus. Exercendum tamen corpus et ita afficiendum est, ut oboedire consilio rationique possit in exsequendis negotiis et in labore tolerando. Honestum autem id, quod exquirimus, totum est positum in animi cura et cogitatione: in quo non minorem utilitatem afferunt qui togati rei publicae praesunt quam qui bellum gerunt. Itaque eorum consilio saepe aut non suscepta aut confecta bella sunt, non numquam etiam inlata, ut M. Catonis bellum tertium Punicum, in quo etiam mortui valuit auctoritas. 80. Qua re expetenda quidem magis est decernendi ratio quam decertandi fortitudo, sed cavendum ne id bellandi magis fuga quam utilitatis ratione faciamus. Bellum autem ita suscipiatur, ut nihil aliud nisi pax quaesita videatur.

2. The second characteristic of Fortitude—, performance of actions attended with difficulty and danger. Necessity of a great understanding as well as a great spirit: fighting one of the least parts of courage; duties of the General in action:

Fortis vero animi et constantis est non perturbari in rebus asperis nec tumultuantem de gradu deici, ut dicitur, sed praesenti animo uti et consilio nec a ratione discedere. 81. Quamquam hoc animi, illud etiam ingenii magni est, praecipere cogitatione futura et aliquanto ante constituere, quid accidere possit in utramque partem et quid agendum sit, cum quid evenerit, nec committere ut aliquando dicendum sit 'Non putaram.' Haec sunt opera magni animi et excelsi et prudentia consilioque fidentis. Temere autem in acie versari et manu cum hoste confligere immane quiddam et beluarum simile est; sed cum tempus necessitasque postulat, decertandum manu est et mors servituti turpitudinique anteponenda.

XXIV

and after victory.

82. De evertendis autem diripiendisque urbibus valde considerandum est ne quid temere, ne

21 animi *om. Or*

quid crudeliter. Idque est viri magni, rebus agitatis punire sontes, multitudinem conservare, in omni fortuna recta atque honesta retinere. Ut enim sunt, quem ad modum supra dixi, qui urbanis rebus bellicas anteponant, sic reperias multos quibus periculosa et calida consilia quietis et cogitatis et splendidiora et maiora videantur. 83. Numquam omnino periculi fuga committendum est ut inbelles timidique videamur, sed fugiendum illud etiam, ne offeramus nos periculis sine causa, quo esse nihil potest stultius. Quapropter in adeundis periculis consuetudo imitanda medicorum est, qui leviter aegrotantes leniter curant, gravioribus autem morbis periculosas curationes et ancipites adhibere coguntur. Quare in tranquillo tempestatem adversam optare dementis est, subvenire autem tempestati quavis ratione sapientis, eoque magis, si plus adipiscare re explicata boni quam addubitata mali.

Choice between several sorts of dangers.

Periculosae autem rerum actiones partim iis sunt, qui eas suscipiunt, partim rei publicae. Itemque alii de vita, alii de gloria et benevolentia civium in discrimen vocantur. Promptiores igitur debemus esse ad nostra pericula, quam ad communia dimicareque paratius de honore et gloria quam de ceteris commodis. 84. Inventi autem multi sunt qui non modo pecuniam sed etiam vitam profundere pro patria parati essent, idem gloriae iacturam ne minimam quidem facere vellent, ne re publica quidem postulante, ut Callicratidas, qui, cum Lacedaemoniorum dux fuisset Peloponnesiaco bello multaque fecisset egregie, vertit ad extremum omnia, cum consilio non paruit eorum qui classem ab Arginusis removendam nec cum Atheniensibus dimicandum putabant. Quibus ille respondit Lacedaemonios classe illa amissa aliam parare posse, se fugere sine suo dedecore non posse. Atque haec quidem Lacedaemoniis plaga mediocris, illa pestifera qua, cum Cleombrotus invidiam timens temere cum Epaminonda conflixisset, Lacedaemoniorum opes corruerunt. Quanto Q. Maximus melius!

5 quietis cogitationibus *St ex Bern. c*

de quo Ennius

Unus homo nobis cunctando restituit rem,
noenum rumores ponebat ante salutem,
ergo postque magisque viri nunc gloria claret.

Quod genus peccandi vitandum est etiam in rebus urbanis. Sunt enim qui quod sentiunt, etsi optimum est, tamen invidiae metu non audent dicere.

XXV

The duties of a Statesman, besides that of speaking his mind freely without fear of giving offence, are 1. to make the good of the government his sole aim; 2. to avoid partial measures;

85. Omnino qui rei publicae praefuturi sunt duo Platonis praecepta teneant: unum ut utilitatem civium sic tueantur, ut, quaecumque agunt, ad eam referant obliti commodorum suorum; alterum ut totum corpus rei publicae curent, ne, dum partem aliquam tuentur, reliquas deserant. Ut enim tutela, sic procuratio rei publicae ad utilitatem eorum qui commissi sunt, non ad eorum, quibus commissa est, gerenda est. Qui autem parti civium consulunt, partem neglegunt, rem perniciosissimam in civitatem inducunt, seditionem atque discordiam: ex quo evenit ut alii populares, alii studiosi optimi cuiusque videantur, pauci universorum. 86. Hinc apud Atheniensis magnae discordiae, in nostra re publica non solum seditiones, sed etiam pestifera bella civilia: quae gravis et fortis civis et in re publica dignus principatu fugiet atque oderit, tradetque se totum rei publicae neque opes aut potentiam consectabitur totamque eam sic tuebitur, ut omnibus consulat.

3. to avoid a selfish pursuit of wealth and power;

Nec vero criminibus falsis in odium aut invidiam quemquam vocabit, omninoque ita iustitiae honestatique adhaerescet, ut, dum ea conservet, quamvis graviter offendat mortemque oppetat potius quam deserat illa, quae dixi. 87. Miserrima omnino est ambitio honorumque contentio, de qua praeclare apud eundem est Platonem 'similiter facere eos qui inter se contenderent, uter potius rem publicam administraret, ut si nautae certarent, quis eorum

3 noenum rumores *Lachmannus ad Lucret.* III 198: *Heine cum codd.* non enim rumores. Noenum *s.* noenu *nihil aliud est quam* ne oenum *h. e.* nec unum. || 6 sit *vulgo*, est *Halmius Heine Fleckeisen* || 24 *verba* neque —consectabitur *delet Dobraeus Adv.* II *p.* 374

potissimum gubernaret.' Idemque praecipit ut 'eos adversarios existimemus qui arma contra ferant, non eos qui suo iudicio tueri rem publicam velint;' qualis fuit inter P. Africanum et Q. Metellum sine acerbitate dissensio.

4. to be lenient, affable and courteous: strictly conscientious and never excited by passion in the infliction of punishment.

88. Nec vero audiendi, qui graviter inimicis irascendum putabunt idque magnanimi et fortis viri esse censebunt; nihil enim laudabilius, nihil magno et praeclaro viro dignius placabilitate atque clementia. In liberis vero populis et in iuris aequabilitate exercenda etiam est facilitas et altitudo animi quae dicitur, ne, si irascamur aut intempestive accedentibus aut impudenter rogantibus, in morositatem inutilem et odiosam incidamus. Et tamen ita probanda est mansuetudo atque clementia, ut adhibeatur rei publicae causa severitas, sine qua administrari civitas non potest. Omnis autem et animadversio et castigatio contumelia vacare debet neque ad eius, qui punitur aliquem aut verbis castigat, sed ad rei publicae utilitatem referri. 89. Cavendum est etiam ne maior poena quam culpa sit et ne isdem de causis alii plectantur, alii ne appellentur quidem. Prohibenda autem maxime est ira in puniendo; numquam enim iratus qui accedet ad poenam, mediocritatem illam tenebit, quae est inter nimium et parum, quae placet Peripateticis et recte placet, modo ne laudarent iracundiam et dicerent utiliter a natura datam. Illa vero omnibus in rebus repudianda est optandumque, ut ii, qui praesunt rei publicae legum similes sint, quae ad puniendum non iracundia sed aequitate ducuntur.

XXVI

Fortitude is seen in Prosperity no less than in Adversity.

90. Atque etiam in rebus prosperis et ad voluntatem nostram fluentibus superbiam magno opere, fastidium arrogantiamque fugiamus. Nam ut adversas res, sic secundas inmoderate ferre levitatis est, praeclaraque est aequabilitas in omni vita et idem semper vultus eademque frons, ut de Socrate itemque de C. Laelio accepimus.

Instances of SOCRATES, LAELIUS, PHILIP of Macedon.

Philippum quidem Macedonum regem rebus gestis et gloria su-

11 altitudo *Ba Heine Lu cum codd.*, lenitudo *Or cum uno cod.*

peratum a filio, facilitate et humanitate video superiorem fuisse. Itaque alter semper magnus, alter saepe turpissimus, ut recte praecipere videantur qui monent, ut, quanto superiores simus, tanto nos geramus summissius. Panaetius quidem 'Africanum auditorem et familiarem suum solitum' ait 'dicere, ut equos propter crebras contentiones proeliorum ferocitate exultantis domitoribus tradere soleant, ut iis facilioribus possint uti, sic homines secundis rebus effrenatos sibique praefidentis tamquam in gyrum rationis et doctrinae duci oportere, ut perspicerent rerum humanarum imbecillitatem varietatemque fortunae.' 91. Atque etiam in secundissimis rebus maxime est utendum consilio amicorum iisque maior etiam quam ante tribuenda auctoritas. Isdemque temporibus cavendum est ne assentatoribus patefaciamus auris nec adulari nos sinamus, in quo falli facile est. Talis enim nos esse putamus, ut iure laudemur: ex quo nascuntur innumerabilia peccata, cum homines inflati opinionibus turpiter irridentur et in maximis versantur erroribus. 92. Sed haec quidem hactenus. Illud autem sic est iudicandum maximas geri res et maximi animi ab iis qui res publicas regant, quod earum administratio latissime pateat ad plurimosque pertineat, esse autem magni animi et fuisse multos etiam in vita otiosa, qui aut investigarent aut conarentur magna quaedam seseque suarum rerum finibus continerent aut interiecti inter philosophos et eos qui rem publicam administrarent, delectarentur re sua familiari, non eam quidem omni ratione exaggerantes neque excludentes ab eius usu suos potiusque et amicis impertientes et rei publicae, si quando usus esset. Quae primum bene parta sit nullo neque turpi quaestu neque odioso, deinde augeatur ratione diligentia parsimonia, tum quam plurimis, modo dignis, se

In Prosperity especially we should consult friends and avoid flatterers.

Fortitude and greatness of mind among philosophers and in private life.

How an estate should be got, improved and used.

8 ecfrenatos *Ba cum antiquo codice H* || 15 nec *Or St cum codd.*, neve *Ba Heine Lu post Nonium* || 31 parata *St cum codd.* || 32 deinde—parsimonia *post* praebeat *leguntur in codd., transposuit Ba auctore Ungero, probante Heine Lu*

utilem praebeat nec lubidini potius luxuriaeque quam liberalitati et beneficentiae pareat. Haec praescripta servantem licet magnifice, graviter animoseque vivere atque etiam simpliciter, fideliter, vere †hominum amice.

XXVII Fourth Cardinal Virtue

Temperance.

CH. XXVII—XLII § 93—§ 151.

Propriety (*decorum*) being the universal property of Virtue is inseparable from this as from the three other cardinal virtues: viz.

93. Sequitur ut de una reliqua parte honestatis dicendum sit, in qua verecundia et quasi quidam ornatus vitae, temperantia et modestia omnisque sedatio perturbationum animi et rerum modus cernitur. Hoc loco continetur id, quod dici Latine decorum potest, Graece enim πρέπον dicitur. Huius vis ea est, ut ab honesto non queat separari. 94. Nam et quod decet honestum est et quod honestum est decet. Qualis autem differentia sit honesti et decori, facilius intellegi quam explanari potest. Quidquid est enim quod deceat, id tum apparet, cum antegressa est honestas. Itaque non solum in hac parte honestatis, de qua hoc loco disserendum est, sed etiam in tribus superioribus quid deceat apparet. Nam et ratione uti atque oratione prudenter et agere quod agas considerate omnique in re quid sit veri videre et tueri decet, contraque falli errare, labi decipi tam dedecet quam delirare et mente esse captum; et iusta omnia decora sunt, iniusta contra ut turpia sic indecora. Similis est ratio fortitudinis. Quod enim viriliter animoque magno fit, id dignum viro et decorum videtur, quod contra, id ut turpe sic indecorum. 95. Quare pertinet quidem ad omnem honestatem hoc, quod dico, decorum, et ita pertinet, ut non recondita quadam ratione cernatur, sed sit in promptu. Est enim quiddam, idque intellegitur in omni virtute, quod deceat, quod cogitatione magis a virtute potest quam re separari. Ut venustas et pulchritudo corporis secerni non potest a valetudine, sic hoc, de quo loquimur, decorum totum illud quidem est cum virtute confusum, sed mente et cogitatione distinguitur.

Wisdom,

Justice,

Fortitude,

Two sorts of Propriety; **general,**

96. Est autem eius discriptio duplex: nam

2 pateat *Or alii cum paucis codd.* || 4 vere *codd.*, vitae *Or Be*; generi *Lu alii*

consisting in the conformity of our actions to the dignity of human nature; and special, in doing and saying everything in a graceful and becoming manner, in the proper place and to the proper extent.

et generale quoddam decorum intellegimus, quod in omni honestate versatur, et aliud huic subiectum, quod pertinet ad singulas partes honestatis. Atque illud superius sic fere definiri solet, 'decorum id esse, quod consentaneum sit hominis excellentiae in eo, in quo natura eius a reliquis animantibus differat.' Quae autem pars subiecta generi est, eam sic definiunt, ut 'id decorum velint esse, quod ita naturae consentaneum sit, ut in eo moderatio et temperantia appareat cum specie quadam

XXVIII liberali.'

Illustration from poetical Propriety.

97. Haec ita intellegi possumus existimare ex eo decoro, quod poëtae sequuntur, de quo alio loco plura dici solent. Sed tum servare illud poetas, quod deceat, dicimus, cum id, quod quaque persona dignum est, et fit et dicitur, ut si Aeacus aut Minos diceret: *óderint, dum métuant*, aut:

natís sepulcro ipse ést parens,

indecorum videretur, quod eos fuisse iustos accepimus: at Atreo dicente plausus excitantur: est enim digna persona oratio.

Difference between poetical and moral Propriety. The Poet can himself give such or such a character, (a vicious one if he pleases) and with him Propriety consists in the conformity of the Person's words and actions to the character given him; but we have one character to live up to, that which Nature herself has assigned us by making us reasonable creatures. Nature has also taught us that we ought to observe a certain order, steadiness and grace in our outward demeanour.

Sed poetae, quid quemque deceat, ex persona iudicabunt. Nobis autem personam imposuit ipsa natura magna cum excellentia praestantiaque animantium reliquarum. 98. Quocirca poetae in magna varietate personarum etiam vitiosis quid conveniat et quid deceat videbunt, nobis autem cum a natura constantiae moderationis, temperantiae verecundiae partes datae sint cumque eadem natura doceat non neglegere quem ad modum nos adversus homines geramus, efficitur ut et illud, quod ad omnem honestatem pertinet, decorum quam late fusum sit appareat, et hoc, quod spectatur in uno quoque genere virtutis. Ut enim pulchritudo corporis apta compositione membrorum movet oculos et delectat hoc ipso, quod inter se omnes partes cum quodam lepore consentiunt, sic hoc de-

33 uno [quoque] *Heine*

corum, quod elucet in vita, movet adprobationem eorum, quibuscum vivitur, ordine et constantia et moderatione dictorum omnium atque factorum. 99. Adhibenda est igitur quaedam reverentia adversus homines et optimi cuiusque et reliquorum. Nam neglegere, quid de se quisque sentiat, non solum arrogantis est, sed etiam omnino dissoluti. Est autem quod differat in hominum ratione habenda inter iustitiam et verecundiam. Iustitiae partes sunt non violare homines, verecundiae non offendere, in quo maxime vis perspicitur decori. His igitur expositis quale sit id, quod decere dicimus, intellectum puto.

The Duties prescribed by Propriety are:

A. Generally, to follow Nature's guidance,
(*a*) not only in our character of men,
(*b*) but also in our individual characters.

CH. XXIX—XXXIV

B. Particularly, to subject our Passions and Appetites to the sovereign sway of Reason, so as to do nothing which is not agreeable to it.

CH. XXXV—XLII

100. Officium autem, quod ab eo ducitur, hanc primum habet viam, quae deducit ad convenientiam conservationemque naturae. Quam si sequemur ducem, numquam aberrabimus sequemurque et id, quod acutum et perspicax natura est, et id, quod ad hominum consociationem accommodatum, et id quod vehemens atque forte. Sed maxuma vis decori in hac inest parte, de qua disputamus; neque enim solum corporis, qui ad naturam apti sunt, sed multo etiam magis animi motus probandi, qui item ad naturam accommodati sunt. 101. Duplex est enim vis animorum atque natura: una pars in appetitu posita est, quae est ὁρμή Graece, quae hominem huc et illuc rapit, altera in ratione, quae docet et explanat quid faciendum fugiendumque sit. Ita fit ut ratio praesit, adpetitus obtem-

XXIX peret. Omnis autem actio vacare debet temeritate et neglegentia nec vero agere quicquam, cuius non possit causam probabilem reddere: haec est enim fere descriptio officii. 102. Efficiendum autem est ut adpetitus rationi oboediant eamque neque praecurrant nec propter pigritiam aut ignaviam deserant sintque tranquilli atque omni animi perturbatione

6 sed [etiam] *Or.* ‖ 13 viam *Ba Heine Lu cum codd.*, vim *Z* ‖ 24 naturae *St cum codd.*, *olim Heine* ‖ 28 ita fit—discriptio officii *post Facciolatum seclusit Ba* ‖ 34 [animi] *Heine*

careant: ex quo elucebit omnis constantia omnisque moderatio. Nam qui appetitus longius evagantur et tamquam exultantes sive cupiendo sive fugiendo non satis a ratione retinentur, ii sine dubio finem et modum transeunt. Relinquunt enim et abiciunt oboedientiam nec rationi parent, cui sunt subiecti lege naturae: a quibus non modo animi perturbantur, sed etiam corpora. Licet ora ipsa cernere iratorum aut eorum qui aut libidine aliqua aut metu commoti sunt aut voluptate nimia gestiunt: quorum omnium voltus, voces, motus statusque mutantur. 103. Ex quibus illud intellegitur, ut ad officii formam revertamur, appetitus omnes contrahendos sedandosque esse excitandamque animadversionem et diligentiam, ut ne quid temere ac fortuito, inconsiderate neglegenterque agamus. Neque enim ita generati a natura sumus, ut ad ludum et iocum facti esse videamur, ad severitatem potius et ad quaedam studia graviora atque maiora. Ludo autem et ioco uti illo quidem licet, sed sicut somno et quietibus ceteris tum, cum gravibus seriisque rebus satis fecerimus. Ipsumque genus iocandi non profusum nec immodestum, sed ingenuum et facetum esse debet. Ut enim pueris non omnem ludendi licentiam damus, sed eam quae ab honestatis actionibus non sit aliena, sic in ipso ioco aliquod probi ingenii lumen eluceat. 104. Duplex omnino est iocandi genus: unum inliberale petulans, flagitiosum obscenum, alterum elegans urbanum, ingeniosum facetum. Quo genere non modo Plautus noster et Atticorum antiqua comoedia, sed etiam philosophorum Socraticorum libri referti sunt, multaque multorum facete dicta, ut ea quae a sene Catone collecta sunt, quae vocant ἀποφθέγματα. Facilis igitur est distinctio ingenui et inliberalis ioci. Alter est, si in tempore fit, ut si remisso animo, *magno* homine dignus, alter ne libero quidem, si rerum turpitudini adhibetur ver-

(Aa) In obedience to the former duty, we ought

(a) to cultivate an earnest and thoughtful disposition, and not to exceed proper bounds either in the employment of Raillery,

(which is of two kinds), scurrilous and facetious,

23 honestis *H. contra codd.* || 33 fit aut si remisso animo, *magno* homine dignus *Madvig Ba*, fit. ut (et) si remisso animo homine dignus *codd.*; fit, remisso homine dignus *Or Be*, fit, ut sit remissio animo, homine

borum obscenitas. Ludendi etiam est quidam modus retinendus, ut ne nimis omnia profundamus elatique voluptate in aliquam turpitudinem delabamur. Suppeditant autem et campus noster et studia venandi honesta exempla ludendi.

or in our ordinary sports and diversions;

XXX 105. Sed pertinet ad omnem officii quaestionem semper in promptu habere, quantum natura hominis pecudibus reliquisque beluis antecedat. Illae nihil sentiunt nisi voluptatem ad eamque feruntur omni impetu, hominis autem mens discendo alitur et cogitando, semper aliquid aut anquirit aut agit videndique et audiendi delectatione ducitur. Quin etiam, si quis est paulo ad voluptates propensior, modo ne sit ex pecudum genere—sunt enim quidam homines non re, sed nomine—sed si quis est paullo erectior, quamvis voluptate capiatur, occultat et dissimulat appetitum voluptatis propter verecundiam. 106. Ex quo intellegitur corporis voluptatem non satis esse dignam hominis praestantia eamque contemni et reici oportere; sin sit quispiam qui aliquid tribuat voluptati, diligenter ei tenendum esse eius fruendae modum. Itaque victus cultusque corporis ad valetudinem referatur et ad vires, non ad voluptatem. Atque etiam si considerare volemus quae sit in natura *hominis* excellentia et dignitas, intellegemus, quam sit turpe diffluere luxuria et delicate ac molliter vivere, quamque honestum parce continenter, severe sobrie.

(β) to despise sensual gratification, as unbecoming the dignity of our nature,

else, why should men be ashamed to own their liking for such pleasures?

107. Intellegendum etiam est duabus quasi nos a natura indutos esse personis, quarum una communis est ex eo, quod omnes participes sumus rationis praestantiaeque eius, qua antecellimus bestiis, a qua omne honestum decorumque trahitur et ex qua ratio inveniendi officii exquiritur, altera autem, quae proprie singulis est tributa. Ut enim in corporibus magnae dissimilitu-

And, since every person has two characters to support, viz. that which is common to all mankind as rational beings, and the particular, distinct in each individual,

dignus *Unger*, ut si remisso animo, *magno* homine dignus *Heine*; fit, ut si remisso animo, homine dignus *St* || 24 natura *codd.*, natura hominis *Be Or Heine Lu*

dines sunt—alios videmus velocitate ad cursum, alios viribus ad luctandum valere, itemque in formis aliis dignitatem inesse, aliis venustatem—sic in animis existunt maiores etiam varietates. 108. Erat in L. Crasso, in L. Philippo multus lepos, maior etiam magisque de industria in C. Caesare L. filio: at isdem temporibus in M. Scauro et in M. Druso adulescente singularis severitas, in C. Laelio multa hilaritas, in eius familiari Scipione ambitio maior, vita tristior. De Graecis autem dulcem et facetum festivique sermonis atque in omni oratione simulatorem, quem εἴρωνα Graeci nominarunt, Socratem accepimus: contra Pythagoram et Periclem summam auctoritatem consecutos sine ulla hilaritate. Callidum Hannibalem ex Poenorum, ex nostris ducibus Q. Maximum accepimus facile celare tacere, dissimulare insidiari, praeripere hostium consilia. In quo genere Graeci Themistoclem et Pheraeum Iasonem ceteris anteponunt, in primisque versutum et callidum factum Solonis, qui, quo et tutior vita eius esset et plus aliquanto rei publicae prodesset, furere se simulavit. 109. Sunt his alii multum dispares, simplices et aperti, qui nihil ex occulto, nihil de insidiis agendum putant, veritatis cultores, fraudis inimici; itemque alii, qui quidvis perpetiantur, cuivis deserviant, dum quod velint consequantur, ut Sullam et M. Crassum videbamus. Quo in genere versutissimum et patientissimum Lacedaemonium Lysandrum accepimus, contraque Callicratidam, qui praefectus classis proximus post Lysandrum fuit. Itemque in sermonibus alium, quamvis praepotens sit, efficere ut unus de multis esse videatur, quod in Catulo, et in patre et in filio, idemque in Q. Mucio Mancia vidimus. Audivi ex maioribus natu, hoc idem fuisse in P. Scipione Nasica, contraque patrem eius, illum qui Ti. Gracchi conatus perditos vindicavit, nullum comitatem habuisse sermonis, [ne Xenocratem quidem, severissimum philosophorum,] ob eamque rem ipsam magnum et clarum

(for men have various dispositions: some are naturally witty and gay, others grave and serious, or the like),

16 praecipere *Or* || 28 aliquem, quamvis *Ba auctore Pearcio;* alium quemque quamvis *codd.;* alium, quamvis *F;* alium quem, quamvis *Or* || 29 idemque in Q. Mucio, in Mancia vidimus *Unger Lu* || 33 *verba* ne

fuisse. Innumerabiles aliae dissimilitudines sunt naturae morumque, minime tamen vituperandorum.

XXXI 110. Admodum autem tenenda sunt sua cuique, non vitiosa, sed tamen propria, quo facilius decorum illud, quod quaerimus, retineatur. Sic enim est faciendum, ut contra universam naturam nihil contendamus, ea tamen conservata propriam nostram sequamur, ut, etiam si sint alia graviora atque meliora, tamen nos studia nostra nostrae naturae regula metiamur. Neque enim attinet naturae repugnare nec quicquam sequi, quod assequi non queas. Ex quo magis emergit, quale sit decorum illud, ideo quia nihil decet invita Minerva, ut aiunt, id est adversante et repugnante natura. 111. Omnino si quicquam est decorum, nihil est profecto magis quam aequabilitas *cum* universae vitae tum singularum actionum, quam conservare non possis si aliorum naturam imitans omittas tuam. Ut enim sermone eo debemus uti, qui notus est nobis, ne, ut quidam Graeca verba inculcantes, iure optimo rideamur, sic in actiones omnemque vitam nullam discrepantiam conferre debemus. 112. Atque haec differentia naturarum tantam habet vim, ut non numquam mortem sibi ipse consciscere alius debeat, alius in eadem causa non debeat. Num enim alia in causa M. Cato fuit, alia ceteri, qui se in Africa Caesari tradiderunt? Atqui ceteris forsitan vitio datum esset, si se interemissent, propterea quod lenior eorum vita et mores fuerant faciliores: Catoni cum incredibilem tribuisset natura gravitatem, eamque ipse perpetua constantia roboravisset semperque in proposito susceptoque consilio permansisset, moriendum potius quam tyranni vultus

(Ab) he should, while always acting in accordance with Reason, be careful to act according to his own particular Nature, and adopt a course of life most suited to his innate powers and character, in order to avoid every kind of incongruity and awkwardness in his actions.

For Propriety is especially seen in the harmony and consistency of the whole tenor of a man's life as well as in his particular actions.

Examples of the different course of action prescribed by this difference in men's natures.

Xenocratem—philosophorum *del. Heumann, uncis incluserunt Heine Lu, etiam quae sequuntur* ob eamque—fuisse *interpolatori tribuit Or* || 8 naturam *Or contra codd.* || 16 cum universae *Lambinus Heine Lu* || 20 notus *Or cum codd.;* natus *Be alii;* innatus *Ba Heine Lu* || 25 in eadem causa *quae desunt in nonnullis codd. secludit Ba*

aspiciendus fuit. 113. Quam multa passus est Ulixes in illo errore diuturno, cum et mulieribus, si Circe et Calypso mulieres appellandae sunt, inserviret et in omni sermone omnibus adfabilem *et iucundum* esse se vellet? Domi vero etiam contumelias servorum ancillarumque pertulit, ut ad id aliquando quod cupiebat veniret. At Aiax quo animo traditur milies oppetere mortem quam illa perpeti maluisset. Quae contemplantes expendere oportebit, quid quisque habeat sui, eaque moderari nec velle experiri, quam se aliena deceant: id enim maxume quemque decet, quod est cuiusque maxime suum. 114. Suum quisque igitur noscat ingenium acremque se et bonorum et vitiorum suorum iudicem praebeat, ne scaenici plus quam nos videantur habere prudentiae. Illi enim non optumas, sed sibi accommodatissimas fabulas eligunt: qui voce freti sunt, Epigonos Medumque, qui gestu, Melanippam, Clytemestram; semper Rupilius, quem ego memini, Antiopam, non saepe Aesopus Aiacem. Ergo histrio hoc videbit in scaena, non videbit sapiens vir in vita? Ad quas igitur res aptissimi erimus, in iis potissimum elaborabimus. Sin aliquando necessitas nos ad ea detruserit, quae nostri ingenii non erunt, omnis adhibenda erit cura meditatio diligentia, ut ea si non decore, at quam minime indecore facere possimus. Nec tam est enitendum, ut bona, quae nobis data non sint, sequamur quam ut vitia fugiamus.

XXXII

(Ac) He has also a third character to sustain, varying according to circumstances, as (1) the station in the world in which fortune has placed him, and (2) his particular profession, the result of choice.

Of the different motives by which men are usually guided in their choice of a profession: some endeavour to follow their fathers: some aspire to rise above the condition to which they were born.

115. Ac duabus iis personis, quas supra dixi, tertia adiungitur, quam casus aliqui aut tempus imponit: quarta etiam, quam nobismet ipsi iudicio nostro accommodamus. Nam regna imperia, nobilitates honores, divitiae opes eaque, quae sunt his contraria, in casu sita temporibus gubernantur: ipsi autem gerere quam personam velimus, a nostra voluntate proficiscitur. 116. Itaque se alii ad philosophiam, alii ad ius civile,

4 et iucundum *seclusit Ba omissum in nonn. codd. probante Heine* ‖ 10 maxime. Suum quisque *Ba cum codd.* ‖ 24 assequamur *Or cum duobus codd.* ‖ 29 nobilitatem—divitias *codd.* nobilitas—divitiae *Ba Unger Heine;* nobilitates *Or Lu Zu*

alii ad eloquentiam applicant, ipsarumque virtutum in alia alius mavult excellere. Quorum vero patres aut maiores aliqua gloria praestiterunt, ii student plerumque eodem in genere laudis excellere, ut Q. Mucius P. f. in iure civili, Pauli filius Africanus in re militari. Quidam autem ad eas laudes, quas a patribus acceperunt, addunt aliquam suam, ut hic idem Africanus eloquentia cumulavit bellicam gloriam, quod idem fecit Timotheus Cononis filius, qui, cum belli laude non inferior fuisset quam pater, ad eam laudem doctrinae et ingenii gloriam adiecit. Fit autem interdum ut non nulli omissa imitatione maiorum suum quoddam institutum consequantur, maximeque in eo plerumque elaborant ii, qui magna sibi proponunt obscuris orti maioribus. 117. Haec igitur omnia, cum quaerimus quid deceat, complecti animo et cogitatione debemus. In primis autem constituendum est quos nos

Difficulty of choosing a course of life.

et quales esse velimus et in quo genere vitae: quae deliberatio est omnium difficillima. Ineunte enim adulescentia, cum est maxima imbecillitas consilii, tum id sibi quisque genus aetatis degendae constituit, quod maxime adamavit. Itaque ante implicatur aliquo certo genere cursuque vivendi quam potuit, quod optimum esset, iudicare. 118. Nam quod Herculem Prodicus dicit, ut est apud Xenophontem, cum primum pubesceret—quod tempus a natura ad deligendum, quam quisque viam vivendi sit ingressurus, datum est—exisse in solitudinem atque ibi sedentem diu secum multumque dubitasse, cum duas cerneret vias, unam Voluptatis, alteram Virtutis, utram ingredi melius esset, hoc Herculi 'Iovis satu edito' potuit fortasse contingere, nobis non item, qui imitamur quos cuique visum est, atque ad eorum studia institutaque impellimur. Plerumque autem parentium praeceptis imbuti ad eorum consuetudinem moremque deducimur. Alii multitudinis iudicio feruntur, quaeque maiori parti pulcherrima videntur, ea maxime ex-

23 Herculem Prodicus dicit *post Manutium Ba Heine St,* Herculem Prodicium dicunt *H Zu Or alii,* Herculem prodigum dicit *opt. codd.*

optant: non nulli tamen sive felicitate quadam sive bonitate naturae sive parentium disciplina rectam vitae secuti sunt viam.

XXXIII 119. Illud autem maxime rarum genus est eorum, qui aut excellenti ingenii magnitudine aut praeclara eruditione atque doctrina aut utraque re ornati spatium etiam deliberandi habuerunt, quem potissimum vitae cursum sequi vellent; in qua deliberatione ad suam cuiusque naturam consilium est omne revocandum. Nam cum in omnibus, quae aguntur, ex eo, quo modo quisque natus est, ut supra dictum est, quid deceat exquirimus, tum in tota vita constituenda multo est ei rei cura maior adhibenda, ut constare in vitae perpetuitate possimus nobismet ipsis nec in ullo officio claudicare. 120. Ad hanc autem rationem quoniam maximam vim natura habet, fortuna proximam, utriusque omnino habenda ratio est in deligendo genere vitae, sed naturae magis; multo enim et firmior est et constantior, ut fortuna non numquam tamquam ipsa mortalis cum immortali natura pugnare videatur. Qui igitur ad naturae suae non vitiosae genus consilium vivendi omne contulerit, is constantiam teneat, id enim maxime decet, nisi forte se intellexerit errasse in deligendo genere vitae. Quod si acciderit—potest autem accidere—, facienda morum institutorumque mutatio est. Eam mutationem si tempora adiuvabunt, facilius commodiusque faciemus: sin minus, sensim erit pedetemptimque facienda, ut amicitias, quae minus delectent et minus probentur, magis decere censent sapientes sensim diluere quam repente praecidere. 121. Commutato autem genere vitae omni ratione curandum est, ut id bono consilio fecisse videamur. Sed quoniam paulo ante dictum est imitandos esse maiores, primum illud exceptum sit, ne vitia sint imitanda, deinde, si natura non feret, ut quaedam

Two things ought to be carefully considered by us in choosing a course of life: first, our natural Disposition and Capacity for it; secondly, our Fortune and outward circumstances in the world.

Duty of persevering in our choice after we have once made it, without great reason to the contrary. How a change should be made.

Limits and conditions of the Rule enjoining an imitation of one's Ancestors.

12 est ei rei cura *Ba Heine Lu post Gruterum*, est ei cura *aut* est rei cura *plerique codd.*, *duo* est eius rei cura || 19 tamquam *contra codd. om. Or* || 29 diluere *omnes fere codd.*, dissuere *cum uno cod. Or, conf. Lael.* 21, 76

imitari possit—ut superioris filius Africani, qui hunc Paulo natum adoptavit, propter infirmitatem valetudinis non tam potuit patris similis esse, quam ille fuerat sui—si igitur non poterit sive causas defensitare sive populum contionibus tenere sive bella gerere, illa tamen praestare debebit, quae erunt in ipsius potestate, iustitiam fidem liberalitatem, modestiam temperantiam, quo minus ab eo id quod desit requiratur. Optuma autem hereditas a patribus traditur liberis omnique patrimonio praestantior gloria virtutis rerumque gestarum, cui dedecori esse nefas et vitium iudicandum est.

XXXIV 122. Et quoniam officia non eadem disparibus aetatibus tribuuntur aliaque sunt iuvenum, alia seniorum, aliquid etiam de hac distinctione dicendum est. Est igitur adulescentis maiores natu vereri exque iis deligere optimos et probatissimos, quorum consilio atque auctoritate nitatur; ineuntis enim aetatis inscitia senum constituenda et regenda prudentia est. Maxume autem haec aetas a libidinibus arcenda est exercendaque in labore patientiaque et animi et corporis, ut eorum et in bellicis et in civilibus officiis vigeat industria. Atque etiam cum relaxare animos et dare se iucunditati volent, caveant intemperantiam, meminerint verecundiae: quod erit facilius, si ne in eius modi quidem rebus maiores natu nolent interesse. 123. Senibus autem labores corporis minuendi, exercitationes animi etiam augendae videntur; danda vero opera, ut et amicos et iuventutem et maxime rem publicam consilio et prudentia quam plurimum adiuvent. Nihil autem magis cavendum est senectuti quam ne languori se desidiaeque dedat. Luxuria vero cum omni aetati turpis, tum senectuti foedissima est. Sin autem etiam libidinum intemperantia accessit, duplex malum est, quod et ipsa senectus dedecus concipit et facit adulescentium impudentiorem intemperantiam. 124. Ac ne illud quidem alienum est, de magistratuum, de privatorum, de civium de peregrinorum officiis

Another sort of Propriety consists in acting conformably to one's Age.

Duties peculiar to youth.

Duties peculiar to old age.

Duties of Rulers and Subjects, Citizens

10 vitium *St cum plerisque codd.*, impium *Ba Or* || 22 si ne...quidem... nolent *Ba Heine Lu post St: vulgo* si...quidem...volent || 30 accesserit *Or* || 34 *verba* de civium *secl. Ba Heine, delet H. Wolfius*

and Aliens, vary according to their respective relations.

dicere. Est igitur proprium munus magistratus intellegere se gerere personam civitatis debereque eius dignitatem et decus sustinere, servare leges, iura discribere, ea fidei suae commissa meminisse. Privatum autem oportet aequo et pari cum civibus iure vivere, neque summissum et abiectum neque se efferentem, tum in re publica ea velle quae tranquilla et honesta sint: talem enim solemus et sentire bonum civem et dicere. 125. Peregrini autem atque incolae officium est nihil praeter suum negotium agere, nihil de alio anquirere minimeque esse in aliena re publica curiosum. Ita fere officia reperientur, cum quaeretur quid deceat et quid aptum sit personis, temporibus, aetatibus. Nihil est autem quod tam deceat quam in omni re gerenda consilioque capiendo servare constantiam.

XXXV

(B) On the Duties belonging to the second sort of decorum.

126. Sed quoniam decorum illud in omnibus factis dictis, in corporis denique motu et statu cernitur idque positum est in tribus rebus, formositate, ordine, ornatu ad actionem apto, difficilibus ad eloquendum—sed satis erit intellegi—, in his autem tribus continetur cura etiam illa, ut probemur iis quibuscum apud quosque vivamus, his quoque de rebus pauca dicantur. Principio corporis nostri magnam natura ipsa videtur habuisse rationem, quae formam nostram reliquamque figuram, in qua

(Ba) Duty of modesty in our deportment: wherein Nature herself is our best guide.

esset species honesta, eam posuit in promptu, quae partes autem corporis ad naturae necessitatem datae aspectum essent deformem habiturae atque foedum, eas contexit atque abdidit. 127. Hanc naturae tam diligentem fabricam imitata est hominum verecundia. Quae enim natura occultavit, eadem omnes, qui sana mente sunt, removent ab oculis, ipsique necessitati dant operam ut quam occultissime pareant; quarumque partium corporis usus sunt necessarii, eas neque partes neque earum usus suis nominibus appellant, quodque facere turpe non est, modo occulte, id dicere obscenum est. Itaque nec actio

False reasoning of the extreme Stoics and Cynics upon this subject.

rerum illarum aperta petulantia vacat nec orationis obscenitas. 128. Nec vero audiendi sunt Cynici, aut si qui fuerunt Stoici paene Cynici,

qui reprehendunt et inrident, quod ea, quae re turpia non sint, [nominibus ac] verbis flagitiosa ducamus; illa autem, quae turpia sint, nominibus appellemus suis. Latrocinari, fraudare, adulterare re turpe est, sed dicitur non obscene; liberis dare operam re honestum est, nomine obscenum, pluraque in eam sententiam ab eisdem contra verecundiam disputantur. Nos autem naturam sequamur et ab omni, quod abhorret ab oculorum auriumque approbatione, fugiamus. Status incessus, sessio accubitio, vultus oculi, manuum motus teneant illud decorum. 129. Quibus in rebus duo maxime sunt fugienda, ne quid effeminatum aut molle et ne quid durum aut rusticum sit. Nec vero histrionibus oratoribusque concedendum est, ut iis haec apta sint, nobis dissoluta. Scaenicorum quidem mos tantam habet vetere disciplina verecundiam, ut in scaenam sine subligaculo prodeat nemo; verentur enim ne, si quo casu evenerit ut corporis partes quaedam aperiantur, aspiciantur non decore. Nostro quidem more cum parentibus puberes filii, cum soceris generi non lavantur. Retinenda igitur est huius generis verecundia, praesertim natura ipsa magistra et

XXXVI

(Bb) Duty of external decency in our Carriage, Postures, &c.

duce. 130. Cum autem pulchritudinis duo genera sint, quorum in altero venustas est, in altero dignitas, venustatem muliebrem ducere debemus, dignitatem virilem. Ergo et a forma removeatur omnis viro non dignus ornatus et huic simile vitium in gestu motuque caveatur. Nam et palaestrici motus sunt saepe odiosiores et histrionum non nulli gestus ineptiis non vacant et in utroque genere quae sunt recta et simplicia laudantur. Formae autem dignitas coloris bonitate tuenda est, color exercitationibus corporis. Adhibenda praeterea munditia est non odiosa neque exquisita nimis, tantum quae fugiat agrestem et inhumanam neglegentiam. Eadem ratio est habenda vestitus, in quo, sicut in plerisque rebus, mediocritas optima est. 131. Cavendum autem est ne aut tarditatibus utamur in ingressu mollioribus, ut pomparum ferculis similes esse videamur, aut in festinationibus suscipiamus nimias celeritates, quae cum fiunt, anhelitus moventur, vultus mutantur, ora torquentur; ex quibus magna significatio fit non adesse constantiam. Sed multo etiam magis

elaborandum est, ne animi motus a natura recedant: quod assequemur, si cavebimus ne in perturbationes atque exanimationes incidamus, et si attentos animos ad decoris conservationem tenebimus. 132. Motus autem animorum duplices sunt, alteri cogitationis, alteri appetitus. Cogitatio in vero exquirendo maxime versatur, appetitus inpellit ad agendum. Curandum est igitur ut cogitatione ad res quam optimas utamur, appetitum rationi oboedientem praebeamus.

XXXVII

(Bc) Decorum shows itself also in our speech, both oratorical and conversational.

Et quoniam magna vis orationis est eaque duplex, altera contentionis, altera sermonis, contentio disceptationibus tribuatur iudiciorum, contionum, senatus; sermo in circulis, disputationibus, congressionibus familiarium versetur, sequatur etiam convivia: contentionis praecepta rhetorum sunt, nulla sermonis: quamquam haud scio an possint haec quoque esse. Sed discentium studiis inveniuntur magistri, huic autem qui studeant sunt nulli: rhetorum turba referta omnia. Quamquam quae verborum sententiarumque praecepta sunt, eadem ad sermonem pertinebunt. 133. Sed cum orationis indicem vocem habeamus, in voce autem duo sequamur, ut clara sit, ut suavis, utrumque omnino a natura petendum est; verum alterum exercitatio augebit, alterum imitatio presse loquentium et leniter. Nihil fuit in Catulis, ut eos exquisito iudicio putares uti litterarum; quamquam erant litterati, sed et alii, hi autem optime uti lingua Latina putabantur. Sonus erat dulcis, litterae neque expressae neque oppressae, ne aut obscurum esset aut putidum; sine contentione vox nec languens nec canora. Uberior oratio L. Crassi nec minus faceta, sed bene loquendi de Catulis opinio non minor. Sale vero et facetiis Caesar, Catuli patris frater, vicit omnes, ut in illo ipso forensi genere dicendi contentiones aliorum sermone vinceret. In omnibus igitur his elaborandum est, si in omni re quid deceat exquirimus. 134. Sit ergo hic sermo, in quo Socratici maxime excellunt, lenis minimeque pertinax, insit in eo lepos. Nec vero, tamquam in possessionem suam venerit, excludat alios, sed cum reliquis in

Rules of oratory applicable also to our ordinary conversation.

Instances of excellent speakers.

Rules relating to Conversation,

its manner,

rebus tum in sermone communi vicissitudinem non iniquam putet. Ac videat inprimis, quibus de rebus loquatur: si seriis, severitatem adhibeat, si iocosis, leporem. Inprimisque provideat ne sermo vitium aliquod indicet inesse in moribus: quod maxume tum solet evenire, cum studiose de absentibus detrahendi causa aut per ridiculum aut severe, maledice contumelioseque dicitur. 135. Habentur autem plerumque sermones aut de domesticis negotiis aut de re publica aut de artium studiis atque doctrina. Danda igitur opera est ut, etiam si aberrare ad alia coeperit, ad haec revocetur oratio, sed utcumque aderunt; neque enim omnes isdem de rebus nec omni tempore nec similiter delectamur. Animadvertendum est etiam, quatenus sermo delectationem habeat, et ut incipiendi ratio fuerit, ita sit desinendi modus.

its matter.

XXXVIII

136. Sed quo modo in omni vita rectissime praecipitur ut perturbationes fugiamus, id est motus animi nimios rationi non optemperantes, sic eius modi motibus sermo debet vacare, ne aut ira existat aut cupiditas aliqua, aut pigritia aut ignavia aut tale aliquid appareat, maximeque curandum est ut eos, quibuscum sermonem conferemus, et vereri et diligere videamur. Obiurgationes etiam non numquam incidunt necessariae, in quibus utendum est fortasse et vocis contentione maiore et verborum gravitate acriore; id agendum etiam, ut ea facere videamur irati. Sed ut ad urendum et secandum, sic ad hoc genus castigandi raro invitique veniemus, nec umquam nisi necessario, si nulla reperietur alia medicina: sed tamen ira procul absit, cum qua nihil recte fieri, nihil considerate potest. 137. Magnam autem partem clementi castigatione licet uti, gravitate tamen adiuncta, ut et severitas adhibeatur et contumelia repellatur. Atque etiam illud ipsum, quod acerbitatis habet obiurgatio, significandum est ipsius id causa, qui obiurgetur, esse susceptum. Rectum est autem etiam in illis contentionibus, quae cum inimicissi-

All passion and angry excitement to be avoided, even in giving reproofs and all personal bitterness, so that whatever severity is used, may be seen to be adopted for the good of the person to whom it is applied.

13 delectantur *C. Scheibe* || 30 magna—parte *codd. corr. Lambinus* || 32 ut severitas *Ba* || 34 id *in aliquot codd. omissum seclusit Ba*

mis fiunt, etiam si nobis indigna audiamus, tamen gravitatem retinere, iracundiam pellere. Quae enim cum aliqua perturbatione fiunt, ea nec constanter fieri possunt neque iis qui adsunt probari. Deforme etiam est de se ipsum praedicare, falsa praesertim, et cum inrisione audientium imitari militem gloriosum.

Self-praise and ostentation unbecoming.

XXXIX 138. Et quoniam omnia persequimur, volumus quidem certe, dicendum est etiam, qualem hominis honorati et principis domum placeat esse, cuius finis est usus, ad quem accommodanda est aedificandi descriptio et tamen adhibenda commoditatis dignitatisque diligentia. Cn. Octavio, qui primus ex illa familia consul factus est, honori fuisse accepimus, quod praeclaram aedificasset in Palatio et plenam dignitatis domum: quae cum vulgo viseretur, suffragata domino, novo homini, ad consulatum putabatur. Hanc Scaurus demolitus accessionem adiunxit aedibus. Itaque ille in suam domum consulatum primus attulit: hic, summi et clarissimi viri filius, in domum multiplicatam non repulsam solum rettulit, sed ignominiam etiam et calamitatem. 139. Ornanda enim est dignitas domo, non ex domo tota quaerenda, nec domo dominus, sed domino domus honestanda est, et ut in ceteris habenda ratio non sua solum, sed etiam aliorum, sic in domo clari hominis, in quam et hospites multi recipiendi et admittenda hominum cuiusque modi multitudo, adhibenda cura est laxitatis. Aliter ampla domus dedecori saepe domino fit, si est in ea solitudo, et maxime, si aliquando alio domino solita est frequentari. Odiosum est enim, cum a praetereuntibus dicitur:

(Bd) A person of honour should exhibit his sense of propriety by having a House suitable to his quality, not too little nor extravagantly great,

O domus ântiqua, heu quam dispari
dominâre domino!

quod quidem his temporibus in multis licet dicere. 140. Cavendum autem est, praesertim si ipse aedifices, ne extra modum sumptu et magnificentia prodeas: quo in genere multum mali etiam in exemplo est. Studiose enim plerique praesertim in hanc partem facta principum imitantur, ut L. Luculli, summi

25 generis *cum cod. a Ba*, modi *vulgo Or Heine*

viri, virtutem quis? at quam multi villarum magnificentiam imitati sunt! Quarum quidem certe est adhibendus modus, ad mediocritatemque revocandus. Eademque mediocritas ad omnem usum cultumque vitae transferenda est. Sed haec hactenus.

but subservient to the ornaments and conveniences of life.

141. In omni autem actione suscipienda tria sunt tenenda; primum ut appetitus rationi pareat, quo nihil est ad officia conservanda accommodatius, deinde ut animadvertatur quanta illa res sit, quam efficere velimus, ut neve maior neve minor cura et opera suscipiatur quam causa postulet. Tertium est ut caveamus ut ea, quae pertinent ad liberalem speciem et dignitatem, moderata sint. Modus autem est optimus decus ipsum tenere, de quo ante diximus, nec progredi longius. Horum tamen trium praestantissimum est appetitum optemperare rationi.

Three rules for all our undertakings. The limit to be observed in all cases is decorum.

XL 142. Deinceps de ordine rerum et opportunitate temporum dicendum est. Haec autem scientia continentur ea, quam Graeci εὐταξίαν nominant, non hanc, quam interpretamur 'modestiam', quo in verbo 'modus' inest, sed illa est εὐταξία, in qua intellegitur ordinis conservatio. Itaque, ut eandem nos 'modestiam' appellemus, sic definitur a Stoicis, ut modestia sit scientia earum rerum, quae agentur aut dicentur, loco suo collocandarum. Ita videtur eadem vis ordinis et collocationis fore: nam et ordinem sic definiunt, compositionem rerum aptis et accommodatis locis. Locum autem actionis opportunitatem temporis esse dicunt; tempus autem actionis opportunum Graece εὐκαιρία, Latine appellatur occasio. Sic fit ut modestia haec, quam ita interpretamur, ut dixi, scientia sit opportunitatis idoneorum ad agendum temporum. 143. Sed potest eadem esse prudentiae definitio, de qua principio diximus: hoc autem loco de moderatione et temperantia et earum similibus virtutibus quaerimus. Itaque, quae erant prudentiae propria, suo loco dicta sunt: quae autem harum virtutum, de quibus iam diu loquimur,

Considerations on the Duty of Method and Seasonableness in all our actions.

Definition of Terms.

2 imitati sunt *ut grammatici supplementum secluserunt Ba Heine Lu* || 3 mediocritatem *tacite Ba*

quae pertinent ad verecundiam et ad eorum approbationem, quibuscum vivimus, nunc dicenda sunt. 144. Talis est igitur

Practical lessons to be deduced from these definitions. Our life should be as consistent in its several parts, as is a discourse exhibiting a regular chain of reasoning.

Propriety of different actions under different circumstances.

ordo actionum adhibendus, ut, quem ad modum in oratione constanti, sic in vita omnia sint apta inter se et convenientia; turpe enim valdeque vitiosum in re severa convivio digna aut delicatum aliquem inferre sermonem. Bene Pericles, cum haberet collegam in praetura Sophoclem iique de communi officio convenissent et casu formosus puer praeteriret dixissetque Sophocles 'O puerum pulchrum, Pericle!' 'At enim praetorem, Sophocle, decet non solum manus sed etiam oculos abstinentes habere.' Atque hoc idem Sophocles si in athletarum probatione dixisset, iusta reprehensione caruisset. Tanta vis est et loci et temporis. Ut si qui, cum causam sit acturus, in itinere aut in ambulatione secum ipse meditetur aut si quid aliud attentius cogitet, non reprehendatur, at hoc idem si in convivio faciat, inhumanus videatur inscitia temporis. 145. Sed ea, quae multum ab humanitate discrepant, ut si qui in foro cantet aut si qua est alia magna perversitas, facile apparet nec magno opere admonitionem et praecepta desiderat:

Little unheeded breaches of Decorum most to be guarded against. Illustration from harmony in music.

quae autem parva videntur esse delicta neque a multis intellegi possunt, ab iis est diligentius declinandum. Ut in fidibus aut tibiis, quamvis paulum discrepent, tamen id a sciente animadverti solet, sic videndum est in vita ne forte quid discrepet, vel multo etiam magis, quo maior et melior
XLI actionum quam sonorum concentus est. 146. Itaque, ut in fidibus musicorum aures vel minima sentiunt, sic nos, si acres ac diligentes esse volumus animadversores vitiorum, magna saepe intellegemus ex parvis. Ex oculorum optutu, superciliorum aut remissione aut contractione, ex maestitia ex hilaritate ex risu, ex locutione ex reticentia, ex contentione vocis ex submissione, ex ceteris similibus facile iudicabimus, quid

13 *male* atqui *Heine contra codd.* || 21 apparet—desiderat *Heine cum codd., vulgo* apparent—desiderant. || 30 animadversoresque *codd.*, animadversores *Or Heine Lu*, spectatores animadversoresque *Klotzius*

We should observe what is unbecoming in others, so as to avoid the like conduct ourselves;

eorum apte fiat, quid ab officio naturaque discrepet. Quo in genere non est incommodum quale quidque eorum sit, ex aliis iudicare, ut si quid dedeceat in illis vitemus ipsi. Fit enim nescio quomodo ut magis in aliis cernamus quam in nobismet ipsis, si quid delinquitur. Itaque facillime corriguntur in discendo, quorum vitia imitantur emendandi causa magistri.

and ask the advice of experienced persons in cases of doubt about the performance of a duty.

147. Nec vero alienum est ad ea eligenda, quae dubitationem afferunt, adhibere doctos homines vel etiam usu peritos et quid iis de quoque officii genere placeat exquirere. Maior enim pars eo fere deferri solet, quo a natura ipsa deducitur. In quibus videndum est non modo quid quisque loquatur, sed etiam quid quisque sentiat atque etiam qua de causa quisque sentiat. Ut enim pictores et ii qui signa fabricantur et vero etiam poëtae suum quisque opus a vulgo considerari vult, ut, si quid reprehensum sit a pluribus, id corrigatur, iique et secum et ab aliis quid in eo peccatum sit exquirunt: sic aliorum iudicio permulta nobis et facienda et non facienda et mutanda

No directions are required for points settled by Custom and Rule; breaches of which, though overlooked in some men of extraordinary merit, are not allowable in ordinary persons.

et corrigenda sunt. 148. Quae vero more agentur institutisque civilibus, de iis nihil est praecipiendum: illa enim ipsa praecepta sunt; nec quemquam hoc errore duci oportet, ut, si quid Socrates aut Aristippus contra morem consuetudinemque civilem fecerint locutive sint, idem sibi arbitretur licere: magnis illi et divinis bonis hanc licentiam assequebantur. Cynicorum vero ratio tota est eicienda: est enim inimica verecundiae, sine qua nihil rectum esse potest, nihil honestum.

Rules about propriety of Demeanour towards others.

149. Eos autem, quorum vita perspecta in rebus honestis atque magnis est, bene de re publica sentientes ac bene meritos aut merentes sic, ut aliquo honore aut imperio affectos, observare et colere debemus, tribuere etiam multum senectuti, cedere iis qui magistratum habebunt, habere dilectum civis et peregrini in ipsoque peregrino privatimne an

18 et ab aliis *Ba Heine Lu cum codice a*, et cum aliis *cum cett. codd. Or*, et ex aliis *Unger*

publice venerit. Ad summam, ne agam de singulis, communem totius generis hominum conciliationem et consociationem colere tueri servare debemus.

XLII

The trades and professions unbecoming a gentleman. The reasons why they are so.

150. Iam de artificiis et quaestibus, qui liberales habendi, qui sordidi sint, haec fere accepimus. Primum improbantur ii quaestus, qui in odia hominum incurrunt, ut portitorum, ut faeneratorum. Inliberales autem et sordidi quaestus mercenariorum omnium, quorum operae, non quorum artes emuntur; est enim in illis ipsa merces auctoramentum servitutis. Sordidi etiam putandi qui mercantur a mercatoribus quod statim vendant; nihil enim proficiant, nisi admodum mentiantur, nec vero est quicquam turpius vanitate. Opificesque omnes in sordida arte versantur; nec enim quicquam ingenuum potest habere officina. Minimeque artes eae probandae quae ministrae sunt voluptatum:

Cetárii lanií coqui fartóres piscatóres,

ut ait Terentius. Adde huc si placet unguentarios, saltatores totumque ludum talarium. 151. In quibus autem artibus aut prudentia maior inest aut non mediocris utilitas quaeritur, ut medicina, ut architectura, ut doctrina rerum honestarum, hae sunt iis quorum ordini conveniunt honestae. Mercatura autem, si tenuis est, sordida putanda est: sin magna et copiosa, multa undique apportans multisque sine vanitate impertiens, non est admodum vituperanda, atque etiam si satiata quaestu vel contenta potius, ut saepe ex alto in portum, ex ipso portu se in agros possessionesque contulit, videtur iure optimo posse laudari. Omnium autem rerum, ex quibus aliquid adquiritur, nihil est agri cultura melius, nihil uberius, nihil dulcius, nihil homine libero dignius: de qua quoniam in Catone maiore satis multa diximus, illim assumes quae ad hunc locum pertinebunt.

What pursuits merit the name of liberal.

Husbandry the most commended.

8 mercennariorum *Ba* ‖ 19 quibus autem *codd.*, in *quod addi iubet constans Ciceronis usus, Lu, Heine* ‖ 28 contulerit *Z* ‖ 31 nihil homine, nihil libero dignius *codd.* ‖ 32 illim *Ba Heine Lu cum mell. codd.*: illinc *vulgo*

XLIII

Second general Head of Deliberation.

A comparative estimate of the four classes of Duties, as to their relative importance.
CH. XLIII—XLV.

152. Sed ab iis partibus quae sunt honestatis, quem ad modum officia ducerentur satis expositum videtur. Eorum autem ipsorum quae honesta sunt potest incidere saepe contentio et comparatio de duobus honestis utrum honestius,—qui locus a Panaetio est praetermissus. Nam cum omnis honestas manet a partibus quattuor, quarum una sit cognitionis, altera communitatis, tertia magnanimitatis, quarta moderationis, haec in deligendo officio saepe inter se comparentur necesse est. 153. Placet igitur aptiora esse naturae ea officia quae ex communitate, quam ea quae ex cognitione ducantur, idque hoc argumento confirmari potest, quod, si contigerit ea vita sapienti, ut omnium rerum affluentibus copiis omnia, quae cognitione digna sint, summo otio secum ipse consideret et contempletur, tamen, si solitudo tanta sit ut hominem videre non possit, excedat e vita. Principsque omnium virtutum illa sapientia quam σοφίαν Graeci vocant—prudentiam enim, quam Graeci φρόνησιν, aliam quandam intellegimus, quae est rerum expetendarum fugiendarumque scientia; illa autem sapientia quam principem dixi rerum est divinarum et humanarum scientia, in qua continetur deorum et hominum communitas et societas inter ipsos—ea si maxima est, ut est, certe necesse est quod a communitate ducatur officium id esse maximum. Etenim cognitio contemplatioque naturae manca quodam modo atque inchoata sit, si nulla actio rerum consequatur. Ea autem actio in hominum commodis tuendis maxime cernitur; pertinet igitur ad societatem generis humani: ergo haec cognitioni anteponenda est. 154. Atque id optimus quisque reipsa ostendit et iudicat. Quis enim est

The Rules by which our judgment should be guided in making a choice between two conflicting duties.
Social duties have a prior claim upon us, and therefore Justice, inasmuch as it promotes the interests of society, is to be held in greater estimation than mere Knowledge.

Philosophy of little value unless it be applied to the practical purposes of life and the good of society.

9 haec *Ba cum codd.*, eae *Or* ‖ 14 ut in omnium *Or cum duobus codd.* ‖ 15 quamvis omnia *codicum corr. Lambinus, probant Ba Heine Lu* ‖ 24 deorum et *ut ab hoc loco aliena seclusit Ba post Gernhardum* ‖ 28 rerum naturae … nulla actio consequatur *Ba Heine* ‖ 33 reapse *Or*

tam cupidus in perspicienda cognoscendaque rerum natura, ut, si ei tractanti contemplantique res cognitione dignissimas subito sit allatum periculum discrimenque patriae, cui subvenire opitularique possit, non illa omnia relinquat atque abiciat, etiam si dinumerare se stellas aut metiri mundi magnitudinem posse arbitretur? Atque hoc idem in parentis, in amici re aut periculo fecerit. 155. Quibus rebus intellegitur studiis officiisque scientiae praeponenda esse officia iustitiae, quae pertinent ad hominum utilitatem, qua nihil homini esse debet

XLIV

Instances of eminent men who have devoted themselves to the good of society, without relinquishing their proper business, the search after Truth.

antiquius. Atque illi, quorum studia vitaque omnis in rerum cognitione versata est, tamen ab augendis hominum utilitatibus et commodis non recesserunt. Nam et erudiverunt multos, quo meliores cives utilioresque rebus suis publicis essent, ut Thebanum Epaminondam Lysis Pythagoreus, Syracosium Dionem Plato multique multos, nosque ipsi quidquid ad rem publicam attulimus, si modo aliquid attulimus, a doctoribus atque doctrina instructi ad eam et ornati accessimus. 156. Neque solum vivi atque praesentes studiosos discendi erudiunt atque docent sed hoc idem etiam post mortem monumentis litterarum assequuntur. Nec enim locus ullus est praetermissus ab iis, qui ad leges, qui ad mores, qui ad disciplinam rei publicae pertineret, ut otium suum ad nostrum negotium contulisse videantur. Ita illi ipsi doctrinae studiis et sapientiae dediti ad hominum utilitatem suam prudentiam intellegentiamque potissimum conferunt, ob eamque etiam causam eloqui copiose, modo prudenter, melius est quam vel acutissime sine eloquentia cogitare, quod cogitatio in se ipsa vertitur, eloquentia complectitur eos, quibuscum communitate iuncti sumus. 157. Atque ut apium examina non fingendorum favorum causa congregantur, sed, cum congregabilia natura sint, fingunt favos, sic homines ac multo etiam magis natura congregati adhibent agendi cogitandique sollertiam.

Knowledge is not real knowledge, nor does Fortitude deserve its name, unless they be made to promote the common weal.

Itaque nisi ea virtus, quae constat ex hominibus tuendis, id est ex societate generis

9 caritatem *Ba cum duobus codd.*

humani, attingat cognitionem rerum, solivaga cognitio et ieiuna videatur, itemque magnitudo animi, remota communitate coniunctioneque humana, feritas sit quaedam et immanitas. Ita fit ut vincat cognitionis studium consociatio hominum atque communitas.

Necessity is not, as some think, the origin of civil Society.

158. Nec verum est quod dicitur a quibusdam, propter necessitatem vitae, quod ea, quae natura desideraret, consequi sine aliis atque efficere non possemus, idcirco initam esse cum hominibus communitatem et societatem. Quodsi omnia nobis quae ad victum cultumque pertinent, quasi virgula divina, ut aiunt, suppeditarentur, tum optimo quisque ingenio negotiis omnibus omissis totum se in cognitione et scientia collocaret. Non est ita. Nam et solitudinem fugeret et socium studii quaereret, tum docere tum discere vellet, tum audire tum dicere. Ergo omne officium, quod ad coniunctionem hominum et ad societatem tuendam valet, anteponendum est illi officio, quod

XLV

The obligations imposed by Justice and Temperance compared.

cognitione et scientia continetur. 159. Illud forsitan quaerendum sit, num haec communitas, quae maxime est apta naturae, sit etiam moderationi modestiaeque semper anteponenda. Non placet. Sunt enim quaedam partim ita foeda, partim ita flagitiosa, ut ea ne conservandae quidem patriae causa sapiens facturus sit. Ea Posidonius collegit permulta, sed ita taetra quaedam, ita obscena, ut dictu quoque videantur turpia. Haec igitur non suscipiet rei publicae causa; ne res publica quidem pro se suscipi volet. Sed hoc commodius se res habet, quod non potest accidere tempus, ut intersit rei publicae quicquam illorum facere sapientem. 160. Quare hoc quidem effectum sit, in officiis deligendis id genus officiorum excellere, quod teneatur hominum societate. Etenim cognitionem prudentiamque sequetur considerata actio. Ita fit ut agere considerate pluris sit quam cogitare prudenter. Atque haec quidem hactenus. Patefactus enim locus est ipse, ut non difficile sit in exquirendo officio quid cuique sit praeponendum videre. In ipsa autem

3 remota a communitate *Ba Heine Madvig*, remota communitate *vulgo* || 29 effectum est *Halm, Heine* || 31 etenim cognitionem—prudenter *interpolatori deberi censet Heine*

communitate sunt gradus officiorum, ex quibus quid cuique praestet intellegi possit, ut prima diis immortalibus, secunda patriae, tertia parentibus, deinceps gradatim reliquis debeantur. 161. Quibus ex rebus breviter disputatis intellegi potest non solum id homines solere dubitare, honestumne an turpe sit, sed etiam duobus propositis honestis utrum honestius sit. Hic locus a Panaetio est, ut supra dixi, praetermissus. Sed iam ad reliqua pergamus.

LIBRI PRIMI FINIS

MARCI TVLLII CICERONIS

DE OFFICIIS

AD

MARCVM FILIVM

LIBER SECVNDVS

LIBER SECVNDVS

I

Third general Head of Deliberation: the expediency of actions: and the duties which arise from external advantages.

1. QVEM ad modum officia ducerentur ab honestate, Marce fili, atque ab omni genere virtutis, satis explicatum arbitror libro superiore. Sequitur ut haec officiorum genera persequar, quae pertinent ad vitae cultum et ad earum rerum, quibus utuntur homines, facultatem, ad opes, ad copias: in quo tum quaeri dixi quid utile, quid inutile, tum ex utilibus quid utilius aut quid maxime utile. De quibus dicere adgrediar, si pauca prius de instituto ac de iudicio meo dixero.

The author's vindication of himself against the charge of devoting too much time to Philosophy:
(1) His diminished interest in political affairs.

2. Quamquam enim libri nostri complures non modo ad legendi, sed etiam ad scribendi studium excitaverunt, tamen interdum vereor ne quibusdam bonis viris philosophiae nomen sit invisum mirenturque in ea tantum me operae et temporis ponere. Ego autem, quam diu res publica per eos gerebatur, quibus se ipsa commiserat, omnes meas curas cogitationesque in eam conferebam. Cum autem dominatu unius omnia tenerentur neque esset usquam consilio aut auctoritati locus, socios denique tuendae rei publicae, summos viros, amisissem, nec me angoribus dedidi, quibus essem confectus nisi iis restitissem, nec rursum indignis homine docto

7 *clausulam* in quo—maxime utile *secluserunt Or Ba Heine*, *delent Facciolatus Heumannus Gernhardus* || 21 eram *post Nonium Be*

voluptatibus. 3. Atque utinam res publica stetisset quo coeperat statu nec in homines non tam commutandarum quam evertendarum rerum cupidos incidisset! Primum enim, ut stante re publica facere solebamus, in agendo plus quam in scribendo operae poneremus, deinde ipsis scriptis non ea, quae nunc, sed actiones nostras mandaremus, ut saepe fecimus. Cum autem res publica, in qua omnis mea cura cogitatio opera poni solebat, nulla esset omnino, illae scilicet litterae conticuerunt forenses et senatoriae. 4. Nihil agere autem cum animus non posset, in his studiis ab initio versatus aetatis existimavi honestissime molestias posse deponi, si me ad philosophiam rettulissem. Cui cum multum adulescens discendi causa temporis tribuissem, postea quam honoribus inservire coepi meque totum rei publicae tradidi, tantum erat philosophiae loci, quantum superfuerat amicorum et rei publicae temporibus. Id autem omne consumebatur in legendo, scribendi

II otium non erat. 5. Maximis igitur in malis hoc tamen boni assecuti videmur, ut ea litteris mandaremus, quae nec erant satis nota nostris et erant cognitione dignissima. Quid enim est, per deos, optabilius sapientia, quid praestantius, quid homini melius, quid homine dignius? Hanc igitur qui expetunt philosophi nominantur, nec quicquam aliud est philosophia, si interpretari velis, praeter studium sapientiae. Sapientia autem est, ut a veteribus philosophis definitum est, rerum divinarum et humanarum causarumque, quibus eae res continentur, scientia, cuius studium qui vituperat haud sane intellego quidnam sit quod laudandum putet. 6. Nam sive oblectatio quaeritur animi requiesque curarum, quae conferri cum eorum studiis potest, qui semper aliquid anquirunt, quod spectet et valeat ad bene beateque vivendum? sive ratio constantiae virtutisque ducitur, aut haec ars est aut nulla omnino, per quam eas assequamur. Nullam dicere maxumarum rerum artem esse, cum minimarum sine arte nulla sit, hominum est parum considerate loquentium

(2) The transcendant dignity of the subject, and a consideration of the actual benefits, which accrue from a study of it. Definition of *Sapientia*.

15 temporis *vel* tempori *codd.;* temporibus *Victorius Ba Be Heine Lu*

atque in maxumis rebus errantium. Si autem est aliqua disciplina virtutis, ubi ea quaeretur, cum ab hoc discendi genere discesseris? Sed haec, cum ad philosophiam cohortamur, accuratius disputari solent, quod alio quodam libro fecimus. Hoc autem tempore tantum nobis declarandum fuit, cur orbati rei publicae muneribus ad hoc nos studium potissimum contulissemus.

His defence of his own alleged inconsistency in following the system of the New Academy, and yet giving his opinions on philosophical subjects with an appearance of certainty:

7. Occurritur autem nobis et quidem a doctis et eruditis quaerentibus satisne constanter facere videamur, qui, cum percipi nihil posse dicamus, tamen et aliis de rebus disserere soleamus et hoc ipso tempore praecepta officii persequamur. Quibus vellem satis cognita esset nostra sententia! Non enim sumus ii, quorum vagetur animus errore nec habeat umquam quid sequatur. Quae enim esset ista mens vel quae vita potius, non modo disputandi sed etiam vivendi ratione sublata? Nos autem, ut ceteri alia certa, alia incerta esse dicunt, sic ab his dissentientes, alia probabilia, contra alia dicimus. 8. Quid est igitur quod me impediat ea, quae probabilia mihi videantur, sequi, quae contra, improbare atque affirmandi arrogantiam vitantem fugere temeritatem, quae a sapientia dissidet plurimum? Contra autem omnia disputatur a nostris, quod hoc ipsum probabile elucere non posset, nisi ex utraque parte causarum esset facta contentio. Sed haec explanata sunt in Academicis nostris satis, ut arbitror, diligenter. Tibi autem, mi Cicero, quamquam in antiquissima nobilissimaque philosophia Cratippo auctore versaris, iis simillimo, qui ista praeclara pepererunt, tamen haec nostra finituma vestris ignota esse nolui. Sed iam ad instituta pergamus.

III

Expediency cannot be disunited from Moral Rectitude, as some fancy. The separation by custom leads to great evils.

9. Quinque igitur rationibus propositis officii persequendi, quarum duae ad decus honestatemque pertinerent, duae ad commoda vitae, copias, opes, facultates, quinta ad eligendi iudicium, si quando ea quae dixi pugnare inter se viderentur, honestatis pars confecta est, quam

23 disputantur *St cum plerisque codd.* || 24 possit *Or Zu cum plerisque codd.*

quidem tibi cupio esse notissimam. Hoc autem, de quo nunc agimus, id ipsum est, quod utile appellatur. In quo verbo lapsa consuetudo deflexit de via sensimque eo deducta est, ut honestatem ab utilitate secernens constitueret esse honestum aliquid, quod utile non esset et utile, quod non honestum; qua nulla pernicies maior hominum vitae potuit afferri. 10. Summa quidem auctoritate philosophi severe sane atque honeste haec tria genera confusa cogitatione distinguunt. Quidquid enim iustum sit, id etiam utile esse censent, itemque quod honestum, idem iustum: ex quo efficitur ut, quidquid honestum sit, idem sit utile. Quod qui parum perspiciunt, ii saepe versutos homines et callidos admirantes malitiam sapientiam iudicant. Quorum error eripiendus est opinioque omnis ad eam spem traducenda, ut honestis consiliis iustisque factis, non fraude et malitia se intellegant ea, quae velint, consequi posse.

Justice, Rectitude and Expediency, though capable of being distinguished mentally and theoretically, are in fact bound up indissolubly. The misapprehension of this has caused the name of Wisdom to be given to mere Cunning.

11. Quae ergo ad vitam hominum tuendam pertinent, partim sunt inanima, ut aurum, argentum, ut ea quae gignuntur e terra, ut alia generis eiusdem, partim animalia, quae habent suos impetus et rerum appetitus. Eorum autem alia rationis expertia sunt, alia ratione utentia. Expertes rationis equi, boves, reliquae pecudes, [apes] quarum opere efficitur aliquid ad usum hominum atque vitam. Ratione autem utentium duo genera ponunt, deorum unum, alterum hominum. Deos placatos pietas efficiet et sanctitas: proxime autem et secundum deos homines hominibus maxume utiles esse possunt. 12. Earumque item rerum, quae noceant et obsint, eadem divisio est. Sed quia deos nocere non putant, iis exceptis homines hominibus obesse plurimum arbitrantur. Ea enim ipsa, quae

A classification of the things that are profitable and hurtful to men, whether inanimate or animate, (of which latter there are two kinds, the Rational and the Irrational); of which the most important for good or bad results is the society and intercourse between man and man.

Man living in a state of solitude is deprived of many

2 verbo *seclusit Ba cum aliis, defendit Or* ‖ 8 genere *cum uno cod. Bern. c. Ba Be. Mox* quidquid enim—idem sit utile *interpolatori deberi censent Gruber Heine* ‖ 25 apes *iam Facciolato suspectum secluserunt Ba Heine Lu* ‖ opera *Ba Heine*, opere *Be Lu Zu vulgo*

comforts and conveniences which society alone can bestow.

inanima diximus, pleraque sunt hominum operis effecta, quae nec haberemus, nisi manus et ars accessisset, nec iis sine hominum administratione uteremur. Neque enim valetudinis curatio neque navigatio neque agri cultura neque frugum fructuumque reliquorum perceptio et conservatio sine hominum opera ulla esse potuisset. 13. Iam vero et earum rerum, quibus abundaremus, exportatio et earum, quibus egeremus, invectio certe nulla esset, nisi his muneribus homines fungerentur. Eademque ratione nec lapides e terra exciderentur ad usum nostrum necessarii, nec ferrum aes aurum argentum effoderetur penitus abditum sine

IV hominum labore et manu. Tecta vero, quibus et frigorum vis pelleretur et calorum molestiae sedarentur, unde aut initio generi humano dari potuissent aut postea subveniri, si aut vi tempestatis aut terrae motu aut vetustate cecidissent, nisi communis vita ab hominibus harum rerum auxilia petere didicisset? 14. Adde ductus aquarum, derivationes fluminum, agrorum inrigationes, moles oppositas fluctibus, portus manu factos: quae unde sine hominum opere habere possemus? Ex quibus multisque aliis perspicuum est, qui fructus quaeque utilitates ex rebus iis quae sint inanimae percipiantur, eas nos nullo modo sine hominum manu atque opera capere potuisse. Qui denique ex bestiis fructus aut quae commoditas, nisi homines adiuvarent, percipi posset? Nam et qui principes inveniendi fuerunt, quem ex quaque belua usum habere possemus, homines certe fuerunt, nec hoc tempore sine hominum opera aut pascere eas aut domare, aut tueri aut tempestivos fructus ex iis capere possemus, ab eisdemque et eae quae nocent interficiuntur et quae usui possunt esse capiuntur. 15. Quid enumerem artium multitudinem, sine quibus vita omnino nulla esse potuisset? Qui enim aegris subveniretur, quae esset oblectatio valentium, qui victus aut cultus, nisi tam multae nobis artes ministrarent? quibus rebus exculta hominum vita tantum distat a

14 subvenire *Ba cum aliquot codd.* ‖ 19 opere *cum codd. Or Lu*, opera *Ba Heine* ‖ 21 sint *Ba Heine* sunt *Or Be* ‖ 31 qui—subveniretur *Gernhard Ba Heine Lu*, qui *aut* quis *aut* quid subveniret *codd.* ‖ 33 destitit (=removit se) *Ba cum plerisque codd.*

victu et cultu bestiarum? Urbes vero sine hominum coetu non potuissent nec aedificari nec frequentari, ex quo leges moresque constituti, tum iuris aequa discriptio certaque vivendi disciplina: quas res et mansuetudo animorum consecuta et verecundia est, effectumque ut esset vita munitior atque ut dando et accipiendo mutandisque facultatibus et commodis nulla re egeremus.

V

Nothing extraordinary either in war or peace can be done without the help of Man,

16. Longiores hoc loco sumus quam necesse est. Quis est enim cui non perspicua sint illa, quae pluribus verbis a Panaetio commemorantur, neminem neque ducem belli nec principem domi magnas res et salutares sine hominum studiis gerere potuisse? Commemoratur ab eo Themistocles Pericles Cyrus Agesilaus Alexander, quos negat sine adiumentis hominum tantas res efficere potuisse. Utitur in re non dubia testibus non necessariis. Atque ut magnas utilitates adipiscimur conspiratione hominum atque consensu, sic nulla tam detestabilis pestis est, quae non homini ab homine nascatur. Est Dicaearchi liber de interitu hominum, Peripatetici magni et copiosi, qui collectis ceteris causis eluvionis pestilentiae vastitatis, beluarum etiam repentinae multitudinis, quarum impetu docet quaedam hominum genera esse consumpta, deinde comparat quanto plures deleti sint homines hominum impetu, id est bellis aut seditionibus, quam omni reliqua calamitate.

capable indeed though he is of doing the greatest mischief, as well as the greatest service.

17. Cum igitur hic locus nihil habeat dubitationis, quin homines plurimum hominibus et prosint et obsint, proprium hoc statuo esse virtutis conciliare animos hominum et ad usus suos adiungere. Itaque, quae in rebus inanimis quaeque in [usu et] tractatione beluarum fiunt utiliter ad hominum vitam, artibus ea tribuuntur operosis, hominum autem studia ad amplificationem nostrarum rerum prompta ac parata virorum praestantium sapientia et virtute

Therefore one principal business and property of Virtue is to obtain the goodwill and friendship of men in general for the promotion of our happiness and our advancement.

6 mutandis—et commodis *Ba cum codd.;* mutuandis fac. et commodandis *plerique edd. post Nonium* || 10 bello *Heine contra plerosque codd.* || 29 *verba* usu et *absunt a codd. antiq., seclusi cum Ba Heine Lu* || 33 morum praestantia et virtute *Madvig Lu probante Heinio, vide commentar. exeget.*

excitantur. 18. Etenim virtus omnis tribus in rebus fere vertitur, quarum una est in perspiciendo quid in quaque re verum sincerumque sit, quid consentaneum cuique, quid consequens, ex quo quaeque gignantur, quae cuiusque rei causa sit; alterum cohibere motus animi turbatos, quos Graeci πάθη nominant, appetitionesque, quas illi ὁρμάς, oboedientes efficere rationi; tertium iis, quibuscum congregemur, uti moderate et scienter, quorum studiis ea, quae natura desiderat, expleta cumulataque habeamus, per eosdemque, si quid importetur nobis incommodi, propulsemus ulciscamurque eos, qui nocere nobis conati sint, tantaque poena adficiamus, quantam aequitas humanitasque patitur.

VI

The good or ill success of our actions depends upon the assistance of men rather than upon fortune.

19. Quibus autem rationibus hanc facultatem assequi possimus, ut hominum studia complectamur eaque teneamus, dicemus neque ita multo post, sed pauca ante dicenda sunt. Magnam vim esse in fortuna in utramque partem, vel secundas ad res vel adversas, quis ignorat? Nam et cum prospero flatu eius utimur, ad exitus pervehimur optatos, et, cum reflavit, affligimur. Haec igitur ipsa fortuna ceteros casus rariores habet, primum ab inanimis procellas tempestates naufragia, ruinas incendia, deinde a bestiis ictus morsus impetus. 20. Haec ergo, ut dixi, rariora. At vero interitus exercituum, ut proxime trium, saepe multorum, clades imperatorum, ut nuper summi et singularis viri, invidiae praeterea multitudinis atque ob eas bene meritorum saepe civium expulsiones, calamitates, fugae, rursusque secundae res, honores, imperia, victoriae, quamquam fortuita sunt, tamen sine hominum opibus et studiis neutram in partem effici possunt. Hoc igitur cognito dicendum est, quonam modo hominum studia ad utilitates nostras allicere atque excitare possimus. Quae si longior fuerit oratio, cum magnitudine utilitatis comparetur: ita fortasse etiam brevior videbitur.

The grounds of honour and esteem in the world.

21. Quaecumque igitur homines homini tribuunt ad eum augendum atque honestandum,

4 quidque gignatur *Z cum codd. recc.* || 7 congregamur *Or contra codd.* || 11 sint *Ba Heine Lu cum antiqq. codd.*, sunt *Or*

aut benevolentiae gratia faciunt, cum aliqua de causa quempiam diligunt, aut honoris, si cuius virtutem suspiciunt quemque dignum fortuna quam amplissima putant, aut cui fidem habent et bene rebus suis consulere arbitrantur, aut cuius opes metuunt, aut contra a quibus aliquid expectant, ut cum reges popularesve homines largitiones aliquas proponunt, aut postremo pretio ac mercede ducuntur, quae sordidissima est illa quidem ratio et inquinatissima et iis, qui ea tenentur, et illis, qui ad eam confugere conantur. 22. Male enim se res habet cum, quod virtute effici debet, id temptatur pecunia. Sed quoniam non numquam hoc subsidium necessarium est, quem ad modum sit utendum eo dicemus, si prius iis de rebus, quae virtuti propiores sunt, dixerimus. Atque etiam subiciunt se homines imperio alterius et potestati de causis pluribus. Ducuntur enim aut benevolentia et beneficiorum magnitudine aut dignitatis praestantia aut spe sibi id utile futurum aut metu ne vi parere cogantur aut spe largitionis promissisque capti aut postremo, ut saepe in nostra re publica videmus, mercede

VII Personal Affection is the best security of Power; hatred the certain effect of fear. Illustration of this maxim by historical examples,

conducti. 23. Omnium autem rerum nec aptius est quicquam ad opes tuendas ac tenendas quam diligi nec alienius quam timeri. Praeclare enim Ennius:

Quém metuunt odérunt: quem quisque ódit, periisse éxpetit.

Multorum autem odiis nullas opes posse obsistere, si antea fuit ignotum, nuper est cognitum. Nec vero huius tyranni solum, quem armis oppressa pertulit civitas paretque cum maxime mortuo, interitus declarat quantum odium hominum valeat ad pestem, sed reliquorum similes exitus tyrannorum, quorum haud fere quisquam talem interitum effugit. Malus enim est custos diuturnitatis metus, contraque benevolentia fidelis vel ad perpetuitatem. 24. Sed iis, qui vi oppressos imperio coërcent, sit sane adhibenda saevitia, ut eris in famulos, si aliter

15 aut beneficiorum *Or cum codd.*, et beneficiorum *Ba Heine Lu post Pearcium* || 23 odere *cum aliquot codd. Or* || 26 apparet *codd. aliquot unde Halmius* ac paret || 29 interitum [talem] *Or contra codd.*

teneri non possunt: qui vero in libera civitate ita se instruunt ut metuantur, iis nihil potest esse dementius. Quamvis enim sint demersae leges alicuius opibus, quamvis timefacta libertas, emergunt tamen haec aliquando aut iudiciis tacitis aut occultis de honore suffragiis. Acriores autem morsus sunt intermissae libertatis quam retentae. Quod igitur latissume patet neque ad incolumitatem solum, sed etiam ad opes et potentiam valet plurimum, id amplectamur, ut metus absit, caritas retineatur. Ita facillime quae volemus et privatis in rebus et in re publica consequemur. Etenim qui se metui volent, a quibus metuentur, eosdem metuant ipsi necesse est.

as well of individual Tyrants,

25. Quid enim censemus superiorem illum Dionysium, quo cruciatu timoris angi solitum, qui cultros metuens tonsorios candente carbone sibi adurebat capillum? quid Alexandrum Pheraeum, quo animo vixisse arbitramur? qui, ut scriptum legimus, cum uxorem Theben admodum diligeret, tamen ad eam ex epulis in cubiculum veniens barbarum et eum quidem, ut scriptum est, compunctum notis Thraeciis destricto gladio iubebat anteire, praemittebatque de stipatoribus suis qui scrutarentur arculas muliebres et ne quod in vestimentis telum occultaretur exquirerent. O miserum, qui fideliorem et barbarum et stigmatiam putaret quam coniugem! Nec eum fefellit: ab ea est enim ipsa propter paelicatus suspitionem interfectus. Nec vero ulla vis imperii tanta est, quae premente metu possit esse diuturna. 26. Testis est Phalaris, cuius est praeter ceteros nobilitata crudelitas, qui non ex insidiis interiit, ut is quem modo dixi Alexander, non a paucis ut hic noster, sed in quem universa Agrigentinorum multitudo impetum fecit. Quid? Macedones nonne Demetrium reliquerunt universique se ad Pyrrhum contulerunt? Quid? Lacedaemonios iniuste imperantis nonne repente omnes fere socii deseruerunt spectatoresque se otiosos praebuerunt Leuctricae calamitatis?

VIII as of States, such as Lacedaemon and Rome, when she ceased to be the sanctuary of the

Externa

2 his *St*, iis *Or Ba Heine Lu* || 23 ipse *cum codd. St* '*opponi enim dominum potentissimum imbecillae mulieri*' || 24 pelicatus *Ba Lu*

oppressed and took to governing by fear rather than by love.

libentius in tali re quam domestica recordor. Verum tamen quam diu imperium populi Romani beneficiis tenebatur, non iniuriis, bella aut pro sociis aut de imperio gerebantur, exitus erant bellorum aut mites aut necessarii, regum, populorum, nationum portus erat et refugium senatus; nostri autem magistratus imperatoresque ex hac una re maximam laudem capere studebant, si provincias, si socios aequitate et fide defendissent. 27. Itaque illud patrocinium orbis terrae verius quam imperium poterat nominari. Sensim hanc consuetudinem et disciplinam iam antea minuebamus, post vero Sullae victoriam penitus amisimus; desitum est enim videri quicquam in socios iniquum, cum extitisset in cives tanta crudelitas. Ergo in illo secuta est honestam causam non honesta victoria. Est enim ausus dicere hasta posita, cum bona in foro venderet et bonorum virorum et locupletium et certe civium, 'praedam se suam vendere.' Secutus est qui in causa impia, victoria etiam foediore non singulorum civium bona publicaret, sed universas provincias regionesque uno calamitatis iure comprehenderet. 28. Itaque vexatis ac perditis exteris nationibus ad exemplum amissi imperii portari in triumpho Massiliam vidimus et ex ea urbe triumphari, sine qua numquam nostri imperatores ex transalpinis bellis triumpharunt. Multa praeterea commemorarem nefaria in socios, si hoc uno quicquam sol vidisset indignius. Iure igitur plectimur. Nisi enim multorum inpunita scelera tulissemus, numquam ad unum tanta pervenisset licentia: a quo quidem rei familiaris ad paucos, cupiditatum ad multos improbos venit hereditas. 29. Nec vero umquam bellorum civilium semen et causa deerit, dum homines perditi hastam illam cruentam et meminerint et sperabunt; quam P. Sulla cum vibrasset dictatore propinquo suo, idem sexto tricensimo anno post a sceleratiore hasta non recessit. Alter autem, qui in illa dictatura scriba fuerat, in hac fuit quaestor urbanus. Ex quo debet intellegi talibus praemiis propositis numquam defutura bella civilia. Itaque parietes modo urbis stant et manent,

16 locupletum *cum codd. Z, Gruber St* '*neque enim nisi in graviore sententia* locupletium *dici posse*', locupletium *Ba Heine Lu*

iique ipsi iam extrema scelera metuentes, rem vero publicam penitus amisimus. Atque in has clades incidimus—redeundum est enim ad propositum—dum metui quam cari esse et diligi malumus. Quae si populo Romano iniuste imperanti accidere potuerunt, quid debent putare singuli? Quod cum perspicuum sit benevolentiae vim esse magnam, metus inbecillam, sequitur ut disseramus quibus rebus facillime possimus eam quam volumus adipisci cum honore et fide caritatem. 30. Sed ea non pariter omnes egemus: nam ad cuiusque vitam institutam accommodandum est, a multisne opus sit an satis sit a paucis diligi. Certum igitur hoc sit idque et primum et maxume necessarium, familiaritates habere fidas amantium nos amicorum et nostra mirantium: haec enim una res prorsus, ut non multum differat inter summos et mediocris viros, aeque utrisque est propemodum comparanda. 31. Honore et gloria et benevolentia civium fortasse non aeque omnes egent, sed tamen, si cui haec suppetunt, adiuvant aliquantum cum ad cetera tum ad amicitias comparandas.

How to win esteem, honour and confidence.

All alike stand in need of some private friends, though not of that general love based on confidence and the respect of their fellow citizens, which are the elements of true and perfect glory.

IX

(ii) of Glory. CH IX—XIV.

Sed de amicitia alio libro dictum est qui inscribitur Laelius. Nunc dicamus de **gloria**, quamquam ea quoque de re duo sunt nostri libri, sed attingamus, quando quidem ea in rebus maioribus administrandis adiuvat plurimum. Summa igitur et perfecta gloria constat ex tribus his: si diligit multitudo, si fidem habet, si cum admiratione quadam honore dignos putat. Haec autem, si est simpliciter breviterque dicendum, quibus rebus pariuntur a singulis, eisdem fere a multitudine. Sed est alius quoque quidam aditus ad multitudinem, ut in universorum animos tamquam influere possimus. 32. Ac primum de illis tribus, quae ante dixi, **benivolentiae** praecepta videamus, quae quidem

(*a*) How to win personal affection or love.

4 maluimus *Z Ba Be cum non nullis codd.* || 15 *vulgatum* haec enim est una res...eaque utrisque est etc. *servant Zu Or*, eaque aeque utrisque *corr. St* || 21 *verba* qui inscribitur Laelius *post Gulielmium pro spuriis habet Ba qui pro* alio libro *requirit* eo libro, *seclusit item Heine*

capitur beneficiis maxime; secundo autem loco voluntate benefica benevolentia movetur, etiam si res forte non suppetit. Vehementer autem amor multitudinis commovetur ipsa fama et opinione liberalitatis beneficentiae, iustitiae fidei omniumque earum virtutum, quae pertinent ad mansuetudinem morum ac facilitatem. Etenim illud ipsum, quod honestum decorumque dicimus, quia per se nobis placet animosque omnium natura et specie sua commovet maximeque quasi perlucet ex iis, quas commemoravi, virtutibus, idcirco illos, in quibus eas virtutes esse remur, a natura ipsa diligere cogimur. Atque hae quidem causae diligendi gravissimae; possunt enim praeterea non nullae esse leviores.

(δ) How to win confidence. The two great means are Justice and Prudence: of these Justice is the chief;

33. Fides autem ut habeatur duabus rebus effici potest: si existimabimur adepti coniunctam cum iustitia prudentiam. Nam et iis fidem habemus, quos plus intellegere quam nos arbitramur quosque et futura prospicere credimus et, cum res agatur in discrimenque ventum sit, expedire rem et consilium ex tempore capere posse: hanc enim utilem homines existumant veramque prudentiam. Iustis autem et fidis hominibus, id est bonis viris, ita fides habetur, ut nulla sit in iis fraudis iniuriaeque suspitio. Itaque his salutem nostram, his fortunas, his liberos, rectissime committi arbitramur. 34. Harum igitur duarum ad fidem faciendam iustitia plus pollet, quippe cum ea sine prudentia satis habeat auctoritatis; prudentia sine iustitia nihil valet ad faciendam fidem. Quo enim quis versutior et callidior est, hoc invisior et suspectior detracta opinione probitatis. Quam ob rem intellegentiae iustitia coniuncta quantum volet habebit ad faciendam fidem virium; iustitia sine prudentia multum poterit, sine iustitia nihil valebit prudentia.

X

(not that they are really distinct in themselves, only they are here spoken of as separate in order to suit the popular understanding).

35. Sed ne quis sit admiratus cur, cum inter omnes philosophos constet a

1 secundo autem loco, etiam si res forte non suppetit, vehementer amor *Sauppe Ba Heine*; autem *post* vehementer *om cod. a* || 20 *verba* et fidis *secluserunt Ba Heine*, iustis autem hominibus, id est bonis. *Facciolatus*, iustis autem, id est, bonis viris *Pearcius* || 26 valet *Ba Heine Lu cum codd.*, valeat *Or Z*

meque ipso saepe disputatum sit, qui unam haberet omnes habere virtutes, nunc ita seiungam, quasi possit quisquam, qui non idem prudens sit, iustus esse, alia est illa, cum veritas ipsa limatur in disputatione, subtilitas, alia, cum ad opinionem communem omnis accommodatur oratio. Quam ob rem, ut volgus, ita nos hoc loco loquimur, ut alios fortes, alios viros bonos, alios prudentis esse dicamus. Popularibus enim verbis est agendum et usitatis, cum loquimur de opinione populari, idque eodem modo fecit Panaetius. Sed ad propositum revertamur.

(c) How to win admiration, the third element in true Glory:

36. Erat igitur ex iis tribus, quae ad gloriam pertinerent, hoc tertium, ut cum admiratione hominum honore ab iis digni iudicaremur. Admirantur igitur communiter illi quidem omnia, quae magna et praeter opinionem suam animadverterunt, separatim autem in singulis, si perspiciunt nec opinata quaedam bona. Itaque eos viros suspiciunt maxumisque ecferunt laudibus, in quibus

by extraordinary Virtue,

existumant se excellentis quasdam et singularis perspicere virtutes, despiciunt autem eos et contemnunt, in quibus nihil virtutis, nihil animi, nihil nervorum putant. Non enim omnes eos contemnunt de quibus male existimant. Nam quos improbos maledicos fraudulentos putant et ad faciendam iniuriam instructos, eos contemnunt quidem neutiquam sed de iis male existimant. Quam ob rem, ut ante dixi, contemnuntur ii, qui 'nec sibi nec alteri', ut dicitur, in quibus nullus labor, nulla industria, nulla cura est. 37. Admiratione autem afficiuntur ii, qui anteire ceteris

by Indifference to Pleasure and Pain,

virtute putantur et cum omni carere dedecore, tum vero iis vitiis quibus alii non facile possunt obsistere. Nam et voluptates, blandissumae dominae, maioris partis animos a virtute detorquent et, dolorum cum admoventur faces, praeter modum plerique exterrentur: vita mors, divitiae paupertas omnes homines vehementissime permovent. Quae qui in utramque partem excelso animo magnoque despi-

23 maledicos *codd.*, maleficos *Wyttenbach Be Heine* || 28 adficiunt *Ba Heine post Lambinum* || 31 maiores partes animi *vulgo*, *sed*

ciunt, cumque aliqua iis ampla et honesta res obiecta totos ad se convertit et rapit, tum quis non admiretur splendorem pulchritudinemque virtutis?

XI 38. Ergo et haec animi despicientia admirabilitatem magnam facit et maxime iustitia, ex qua una virtute viri boni appellantur, mirifica quaedam multitudini videtur, nec iniuria. Nemo enim iustus esse potest, qui mortem, qui dolorem, qui exilium, qui egestatem timet aut qui ea, quae sunt his contraria, aequitati anteponit. Maximeque admirantur eum, qui pecunia non movetur, quod in quo viro perspectum sit, hunc igni spectatum arbitrantur. Itaque illa tria, quae proposita sunt ad gloriam, omnia iustitia conficit, et benevolentiam, quod prodesse vult plurimis, et ob eandem causam fidem et admirationem, quod eas res spernit et neglegit, ad quas plerique inflammati aviditate rapiuntur.

by Justice,

and by a Contempt of Money.

Justice by itself procures the three constituents of Glory.

39. Ac mea quidem sententia omnis ratio atque institutio vitae adiumenta hominum desiderat, inprimisque, ut habeat quibuscum possit familiares conferre sermones: quod est difficile, nisi speciem prae te boni viri feras. Ergo etiam solitario homini atque in agro vitam agenti opinio iustitiae necessaria est, eoque etiam magis, quod, eam si non habebunt iniustique habebuntur, nullis praesidiis saepti multis afficientur iniuriis.

40. Atque iis etiam qui vendunt emunt, conducunt locant contrahendisque negotiis implicantur, iustitia ad rem gerendam necessaria est, cuius tanta vis est, ut ne illi quidem, qui maleficio et scelere pascuntur, possint sine ulla particula iustitiae vivere. Nam qui eorum cuipiam, qui una latrocinantur, furatur aliquid aut eripit, is sibi ne in latrocinio quidem relinquit locum; ille autem, qui archipirata dicitur, nisi

Justice is a necessary virtue for all sorts and conditions of men: even brigands and pirates cannot subsist without it.

sunt plures partes animi, *et* maior pars animi, *non* maiores partes: maioris partis animos *cod. Bern. c, Chapmannus et Be e coni., probant Heine Lu* || 1 obiecta est *vulgo*, obiecta *Ba St Heine Lu cum Bern. c* || 22 iniusti habebuntur *vulgo, quod asyndeton nimis durum secluserunt Heine Lu Ba cum Facciolato ut interpretamentum*, iniusti habebuntur et *Or cum cod. a*, iniustique habebuntur *Bern. c.*

aequabiliter praedam dispertiat, aut interficiatur a sociis aut relinquatur. Quin etiam leges latronum esse dicuntur, quibus pareant, quas observent. Itaque propter aequabilem praedae partitionem et Bardulis Illyrius latro, de quo est apud Theopompum, magnas opes habuit et multo maiores Viriathus Lusitanus, cui quidem etiam exercitus nostri imperatoresque cesserunt, quem C. Laelius, is qui Sapiens usurpatur, praetor fregit et comminuit ferocitatemque eius ita repressit, ut facile bellum reliquis traderet. Cum igitur tanta vis iustitiae sit, ut ea etiam latronum opes firmet atque augeat, quantam eius vim inter leges et iudicia et in constituta re publica fore putamus?

XII 41. Mihi quidem non apud Medos solum, ut ait Herodotus, sed etiam apud maiores nostros, iustitiae fruendae causa videntur olim bene morati reges constituti. Nam cum premeretur inops multitudo ab iis, qui maiores opes habebant, ad unum aliquem confugiebant virtute praestantem, qui cum prohiberet iniuria tenuiores, aequitate constituenda summos cum infimis pari iure retinebat. Eademque constituendarum legum fuit causa quae regum. 42. Ius enim semper est quaesitum aequabile; neque enim aliter esset ius. Id si ab uno iusto et bono viro consequebantur, erant eo contenti: cum id minus contingeret, leges sunt inventae, quae cum omnibus semper una atque eadem voce loquerentur. Ergo hoc quidem perspicuum est, eos ad imperandum deligi solitos, quorum de iustitia magna esset opinio multitudinis. Adiuncto vero ut iidem etiam prudentes haberentur, nihil erat quod homines iis auctoribus non posse consequi se arbitrarentur. Omni igitur ratione colenda et retinenda iustitia est cum ipsa per sese—nam aliter iustitia non esset—tum propter amplificationem honoris et gloriae.

Kings heretofore were chosen for their Justice and Integrity.

Sed ut pecuniae non quaerendae solum ratio est, verum etiam collocandae, quae perpetuos sumptus suppeditet nec solum necessarios sed etiam liberalis, sic gloria et quaerenda et collo-

Glory, to be durable, must rest on some solid and real basis; if counterfeit, it will soon

4 latro *secl. Ba Heine* || 16 inops *cum deterr. codd. Ba Heine Lu*, in otio *St Alanus cum aliquot codd.*, initio *Or Z*

vanish. Maxim of SOCRATES to this effect.

canda ratione est. 43. Quamquam praeclare Socrates hanc viam ad gloriam proximam et quasi compendiariam dicebat esse, si quis id ageret, ut qualis haberi vellet talis esset. Quod si qui simulatione et inani ostentatione et ficto non modo sermone sed etiam voltu stabilem se gloriam consequi posse rentur, vehementer errant. Vera gloria radices agit atque etiam propagatur, ficta omnia celeriter tamquam flosculi decidunt, nec simulatum potest quicquam esse diuturnum. Testes sunt permulti in utramque partem, sed brevitatis causa familia contenti erimus una. Tiberius enim Gracchus P. f. tam diu laudabitur, dum memoria rerum Romanarum manebit; at eius filii nec vivi probabantur bonis et mortui numerum optinent iure caesorum. Qui igitur adipisci veram gloriam volet, iustitiae fungatur officiis: ea quae essent, dictum est in libro superiore.

XIII

Rules for obtaining glory. Some are born to fame:

44. Sed, ut facillime quales simus tales esse videamur, etsi in eo ipso vis maxima est, ut simus ii, qui haberi velimus, tamen quaedam praecepta danda sunt. Nam si quis ab ineunte aetate habet causam celebritatis et nominis aut a patre acceptam, quod tibi, mi Cicero, arbitror contigisse, aut aliquo casu atque fortuna, in hunc oculi omnium coniciuntur atque in eum, quid agat, quemadmodum vivat inquiritur, et tamquam in clarissima luce versetur, ita nullum obscurum potest nec dictum eius esse nec factum. 45. Quorum autem prima aetas propter humilitatem et obscuritatem in hominum ignoratione versatur, ii, simul ac iuvenes esse coeperunt, magna spectare et ad ea rectis studiis debent contendere: quod eo firmiore animo facient, quia non modo non invidetur illi aetati, verum etiam favetur. Prima est igitur adulescenti commendatio ad gloriam, si qua ex bellicis rebus comparari potest, in qua multi apud maiores nostros extiterunt: semper enim fere bella gerebantur. Tua autem aetas incidit in id bellum, cuius altera pars sceleris nimium habuit, altera felicitatis parum. Quo tamen in bello, cum te Pompeius alae [alteri] praefe-

others must signalize themselves, when young, by valour in war,

36 alteri *del. Graevius Lu probante Madvigio, secluserunt Ba Heine*

cisset, magnam laudem et a summo viro et ab exercitu consequebare equitando, iaculando, omni militari labore tolerando. Atque ea quidem tua laus pariter cum republica cecidit. Mihi autem haec oratio suscepta non de te est, sed de genere toto: quamobrem pergamus ad ea quae restant. 46. Ut igitur in reliquis rebus multo maiora opera sunt animi quam corporis, sic eae res, quas ingenio ac ratione persequimur, gratiores sunt quam illae, quas viribus. Prima igitur commendatio proficiscitur a modestia cum pietate in parentis, in suos benevolentia. Facillume autem et in optimam partem cognoscuntur adulescentes, qui se ad claros et sapientes viros bene consulentes rei publicae contulerunt, quibuscum si frequentes sunt, opinionem adferunt populo eorum fore se similes, quos sibi ipsi delegerint ad imitandum. 47. P. Rutilii adulescentiam ad opinionem et innocentiae et iuris scientiae P. Mucii commendavit domus. Nam L. quidem Crassus, cum esset admodum adulescens, non aliunde mutuatus est, sed sibi ipse peperit maxumam laudem ex illa accusatione nobili et gloriosa, et, qua aetate qui exercentur laude adfici solent, ut de Demosthene accepimus, ea aetate L. Crassus ostendit id se in foro optume iam facere, quod etiam tum poterat domi cum laude meditari.

by temperance, filial affection, familiar intercourse with wise and renowned men;

XIV

48. Sed cum duplex ratio sit orationis, quarum in altera sermo sit, in altera contentio, non est id quidem dubium, quin contentio orationis maiorem vim habeat ad gloriam—ea est enim quam eloquentiam dicimus—: sed tamen difficile dictu est quanto opere conciliet animos comitas adfabilitasque sermonis. Exstant epistulae et Philippi ad Alexandrum et Antipatri ad Cassandrum et Antigoni ad Philippum filium, trium prudentissimorum—sic enim accepimus—, quibus praecipiunt ut oratione benigna multitudinis animos ad benevolentiam alliciant militesque blande appellando deleniant. Quae autem in multitudine cum contentione habetur oratio, ea saepe universam excitat. Magna est enim

also by courtesy in speaking and eloquence;

7 graviores *alii contra codd.* || 9 tum *vulgo*, cum *Ba post Camerarium* || 26 contentio [orationis] *Heine Lu* || 35 excitat gloriam *St cum codd.*

admiratio copiose sapienterque dicentis, quem qui audiunt intellegere etiam et sapere plus quam ceteros arbitrantur. Si vero inest in oratione mixta modestia gravitas, nihil admirabilius fieri potest eoque magis, si ea sunt in adulescente.

especially in Prosecution and Defence, of which the latter is the more honourable, though the former is in some cases honourable enough.

49. Sed cum sint plura causarum genera, quae eloquentiam desiderent, multique in nostra re publica adulescentes et apud iudices et apud populum et apud senatum dicendo laudem assecuti sint, maxima est admiratio in iudiciis, quorum ratio duplex est. Nam ex accusatione et ex defensione constat, quarum etsi laudabilior est defensio, tamen etiam accusatio probata persaepe est. Dixi paulo ante de Crasso: idem fecit adulescens M. Antonius. Etiam P. Sulpicii eloquentiam accusatio inlustravit, cum seditiosum et inutilem civem, C. Norbanum, in iudicium vocavit. 50. Sed hoc quidem non est saepe faciendum nec umquam nisi aut rei publicae causa, ut ii quos ante dixi, aut ulciscendi, ut duo Luculli, aut patrocinii, ut nos pro Siculis, pro Sardis in Albucio Iulius. In accusando etiam M'. Aquilio L. Fufii cognita industria est. Semel igitur aut non saepe certe: sin erit cui faciendum sit saepius, rei publicae tribuat hoc muneris, cuius inimicos ulcisci saepius non est reprehendendum: modus tamen adsit. Duri enim hominis vel potius vix hominis videtur periculum capitis inferre multis. Id cum periculosum ipsi est, tum etiam sordidum ad famam committere ut accusator nominere; quod contigit M. Bruto, summo genere nato, illius filio, qui iuris civilis inprimis peritus fuit. 51. Atque etiam hoc praeceptum officii diligenter tenendum est, ne quem umquam innocentem iudicio capitis arcessas; id enim sine scelere fieri nullo pacto potest. Nam quid est tam inhumanum quam eloquentiam a natura ad salutem hominum et ad conservationem datam ad bonorum pestem perniciemque convertere? Nec tamen, ut hoc fugiendum est, item est habendum re-

Historical examples of justifiable Prosecution.

Criminals may be defended, but the

3 modestiae *Or Be cum aliquot codd.* ‖ 7 et apud populum *omittunt codd. praeter Bern. c.*

innocent must never be accused.

ligioni nocentem aliquando, modo ne nefarium impiumque, defendere. Vult hoc multitudo, patitur consuetudo, fert etiam humanitas. Iudicis est semper in causis verum sequi, patroni non numquam veri simile, etiam si minus sit verum, defendere: quod scribere, praesertim cum de philosophia scriberem, non auderem, nisi idem placeret gravissimo Stoicorum Panaetio. Maxume autem et gloria paritur et gratia defensionibus eoque maior, si quando accidit ut ei subveniatur, qui potentis alicuius opibus circumveniri urguerique videatur, ut nos et saepe alias et adulescentes contra L. Sullae dominantis opes pro Sex. Roscio Amerino fecimus, quae, ut scis, extat oratio.

Duties of Judge and Advocate. Defence of accused persons especially honourable against some powerful oppressor.

XV

(iii) Of Beneficence and Liberality.

CH. XV—XXIV.

Two ways of obliging men, by personal service and by money, of which the latter is the more easy, the former the more noble.

52. Sed expositis adulescentium officiis, quae valeant ad gloriam adipiscendam, deinceps de beneficentia ac de liberalitate dicendum est: cuius est ratio duplex. Nam aut opera benigne fit indigentibus aut pecunia. Facilior est haec posterior, locupleti praesertim, sed illa lautior ac splendidior et viro forti claroque dignior. Quamquam enim in utroque inest gratificandi liberalis voluntas, tamen altera ex arca, altera ex virtute depromitur, largitioque, quae fit ex re familiari, fontem ipsum benignitatis exhaurit. Ita benignitate benignitas tollitur, qua quo in plures usus sis, eo minus in multos uti possis. 53. At qui opera, id est virtute et industria, benefici et liberales erunt, primum quo pluribus profuerint, eo plures ad benigne faciendum adiutores habebunt; dein consuetudine beneficentiae paratiores erunt et tamquam exercitatiores ad bene de multis promerendum. Praeclare in epistula quadam Alexandrum filium Philippus accusat, quod largitione benevolentiam Macedonum consectetur: 'Quae te, malum' inquit 'ratio in istam spem induxit, ut eos tibi fideles putares fore, quos pecunia corrupisses? An tu id agis, ut Macedones non te regem

PHILIP's generous reproof of his son ALEXANDER to this purpose.

21 utraque sc. *beneficentiae ratione Heine Lu contra codd.*

suum, sed ministrum et praebitorem sperent fore?' Bene 'ministrum et praebitorem', quia sordidum regi, melius etiam, quod largitionem corruptelam esse dixit. Fit enim deterior qui accipit atque ad idem semper expectandum paratior. 54. Hoc ille filio, sed praeceptum putemus omnibus. Quamobrem id quidem non dubium est, quin illa benignitas, quae constet ex opera et industria, et honestior sit et latius pateat et possit prodesse pluribus: non numquam tamen est largiendum nec hoc benignitatis genus omnino repudiandum est et saepe idoneis hominibus indigentibus de re familiari impertiendum, sed diligenter atque moderate. Multi enim patrimonia effuderunt inconsulte largiendo. Quid autem est stultius quam quod libenter facias, curare ut id diutius facere non possis? Atque etiam sequuntur largitionem rapinae. Cum enim dando egere coeperunt, alienis bonis manus afferre coguntur. Ita, cum benevolentiae comparandae causa benefici esse velint, non tanta studia assequuntur eorum, quibus dederunt, quanta odia eorum, quibus ademerunt. 55. Quam ob rem nec ita claudenda res est familiaris, ut eam benignitas aperire non possit, nec ita reseranda, ut pateat omnibus: modus adhibeatur isque referatur ad facultates. Omnino meminisse debemus id, quod a nostris hominibus saepissime usurpatum iam in proverbii consuetudinem venit, 'largitionem fundum non habere'. Etenim quis potest modus esse, cum et idem qui consuerunt et idem illud alii desiderent?

The evils resulting from inconsiderate Bounty. Give within compass and with due regard to your means.

XVI Omnino duo sunt genera largorum, quorum alteri prodigi, alteri liberales: prodigi, qui epulis et viscerationibus et gladiatorum muneribus, ludorum venationumque apparatu pecunias profundunt in eas res, quarum memoriam aut brevem aut nullam omnino sint relicturi; 56. liberales autem, qui suis facultatibus aut captos a praedonibus redimunt aut aes alienum suscipiunt amicorum aut in filiarum collocatione adiuvant aut opitulantur vel in re quaerenda vel augenda. Itaque miror quid in mentem venerit Theophrasto in eo libro, quem de divitiis scripsit, in quo multa praeclare, illud absurde: est enim multus in laudanda magnificentia et apparatione popularium munerum taliumque sumptuum facultatem fructum divitiarum putat. Mihi autem ille fructus liberalitatis, cuius pauca exempla posui, multo et maior videtur et certior. Quanto Aristoteles gravius et verius nos reprehendit, qui has pecuniarum effusiones non admiremur, quae fiunt ad multitudinem deleniendam. Ait enim, qui ab hoste obsidentur, si emere aquae sextarium cogerentur mina, hoc primo incredibile nobis videri omnesque mirari, sed cum attenderint, veniam necessitati dare; in his inmanibus iacturis infinitisque sumptibus nihil nos magno opere mirari, cum praesertim neque necessitati subveniatur nec dignitas augeatur ipsaque illa delectatio multitudinis ad breve exiguumque tempus capiatur eaque a levissumo quoque; in quo tamen ipso una cum satietate memoria quoque moriatur voluptatis. 57. Bene etiam colligit 'haec pueris et mulierculis et servis et servorum simillimis liberis esse grata, gravi vero homini et ea quae fiunt iudicio certo ponderanti probari posse nullo modo.' Quamquam intellego in nostra civitate inveterasse iam bonis temporibus, ut splendor aedilitatum ab optimis viris postuletur. Itaque et P. Crassus, cum cognomine dives tum copiis, functus est aedilicio maximo munere et paulo post L. Crassus cum omnium hominum moderatissimo Q. Mucio magnificentissima aedilitate functus est: deinde C. Claudius Appii filius, multi post, Luculli, Hortensius, Silanus. Omnes autem P. Lentulus me consule vicit supe-

(A) Of the first sort of Beneficence.

CH. XVI—XVIII. How Liberality and Prodigality differ.

Of Prodigality:

Lavish entertainments and fine public shows are only fit for women and children.

Historical examples of magnificent ædileships.

4 *ante* fructum *adiectivum desiderant Ba Heine quale* maximum *vel* optimum || 6 Aristoteles *codd.*, *Or Heine Lu*, Aristo Ceus *Be Zu cum Mureto* || 8 miremur *Bakius* || 9 ait enim *ex coni C. F. W. Muelleri Phil.* XIX. *p.* 630 *admisit post Heine Lu*: at ii *vulgo* || 10 cogerentur *vulgo*, cogantur *ex aliquot codd Zu Ba Lu* || auditu incredibile *St alii ex duobus codd.* || nobis *in aliquot codd. omissum del. Madvigius* || 14 multitudinis ad *codd.*, multitudinis sit ad *Or Z*, multitudinis ad breve exiguumque sit tempus, eatque a *St*, *lacunam post* multitudinis *indicavit Ba auctore Lundio* || 15 capiatur eaque *Sauppe*, *Heine*: *vulgo* eaque || 22 postularetur *Ba cum duobus codd.*

riores: hunc est Scaurus imitatus. Magnificentissima vero nostri Pompei munera secundo consulatu: in quibus omnibus
XVII quid mihi placeat, vides. 58. Vitanda tamen suspitio est avaritiae. Mamerco, homini divitissimo, praetermissio aedilitatis consulatus repulsam attulit. Qua re et, si postulatur a populo, bonis viris si non desiderantibus, at tamen adprobantibus, faciundum est, modo pro facultatibus, nos ipsi ut fecimus, et, si quando aliqua res maior atque utilior populari largitione adquiritur, ut Oresti nuper prandia in semitis decumae nomine magno honori fuerunt. Ne Marco quidem Seio vitio datum est, quod in caritate asse modium populo dedit; magna enim se et inveterata invidia nec turpi iactura, quando erat aedilis, nec maxima liberavit. Sed honori summo nuper nostro Miloni fuit, qui gladiatoribus emptis rei publicae causa, quae salute nostra continebatur, omnes P. Clodii conatus furoresque compressit. Causa igitur largitionis est, si aut necesse est aut utile. 59. In his autem ipsis mediocritatis regula optima est. L. quidem Philippus Q. F., magno vir ingenio inprimisque clarus, gloriari solebat se sine ullo munere adeptum esse omnia, quae haberentur amplissima. Dicebat idem Cotta, Curio. Nobis quoque licet in hoc quodam modo gloriari. Nam pro amplitudine honorum, quos cunctis suffragiis adepti sumus nostro quidem anno, quod contigit eorum nemini, quos modo nominavi, sane exiguus sumptus aedilitatis fuit. 60. Atque etiam illae impensae meliores, muri, navalia, portus, aquarum ductus omniaque, quae ad usum rei publicae pertinent. Quamquam quod praesens tamquam in manum datur iucundius est: tamen haec in posterum gratiora. Theatra, porticus, nova templa verecundius reprehendo propter Pompeium, sed doctissimi non probant, ut et hic ipse Panaetius, quem multum in his libris secutus sum, non interpretatus, et Phalereus Demetrius, qui Periclem, principem Graeciae, vituperat, quod tantam pecuniam in praeclara illa propylaea coniecerit. Sed

Expenses to please the people allowable in some cases.

Avarice and extravagance should be equally avoided.

Of money spent upon public buildings.

28 quamquam enim *Ba cum cod. Bern. a*, quamquam *vulgo*

de hoc genere toto in iis libris, quos de re publica scripsi, diligenter est disputatum. Tota igitur ratio talium largitionum genere vitiosa est, temporibus necessaria, et tum ipsum et ad facultates accommodanda et mediocritate moderanda
XVIII est. 61. In illo autem altero genere largiendi, quod a liberalitate proficiscitur, non uno modo in disparibus causis adfecti esse debemus. Alia causa est eius, qui calamitate premitur, et eius, qui res meliores quaerit nullis suis rebus adversis. 62. Propensior benignitas esse debebit in calamitosos, nisi forte erunt digni calamitate. In iis tamen, qui se adiuvari volent, non ne adfligantur, sed ut altiorem gradum ascendant, restricti omnino esse nullo modo debemus, sed in deligendis idoneis iudicium et diligentiam adhibere. Nam praeclare Ennius:

Bene fácta male locáta male facta árbitror.

63. Quod autem tributum est bono viro et grato, in eo cum ex ipso fructus est tum etiam ex ceteris. Temeritate enim remota gratissima est liberalitas, eoque eam studiosius plerique laudant, quod summi cuiusque bonitas commune perfugium est omnium. Danda igitur opera est ut iis beneficiis quam plurimos adficiamus, quorum memoria liberis posterisque prodatur, ut iis ingratis esse non liceat. Omnes enim immemorem beneficii oderunt eamque iniuriam in deterrenda liberalitate sibi etiam fieri eumque, qui faciat, communem hostem tenuiorum putant. Atque haec benignitas etiam rei publicae est utilis, redimi e servitute captos, locupletari tenuiores: quod quidem volgo solitum fieri ab ordine nostro in oratione Crassi scriptum copiose videmus. Hanc ego consuetudinem benignitatis largitioni munerum longe antepono. Haec est gravium hominum atque magnorum, illa quasi adsentatorum populi multitudinis

Such expenses must be proportioned to our means, and kept within the limits of reason and moderation.

(b) Of Liberality. Rules for giving: we should consider first the circumstances of the person we give to: secondly, his deserts.

What acts of Bounty we should more particularly exercise.

4 tum ipsum *Ba Z St Heine Lu Madvig* (*ad fin.* II § 65 p. 254) *cum paucis sed optumis codd.*, *vulgatum* tamen ipsa *maluit Or* ‖ 31 hanc ergo *codd. ab Lu*, hanc ego *Lactantius*, *Ba Or Z Heine*

Measure to be observed in receiving as well as in spending money. When a man uses an estate as he ought.

levitatem voluptate quasi titillantium. 64. Conveniet autem cum in dando munificum esse, tum in exigendo non acerbum in omnique re contrahenda, vendundo emendo, conducendo locando, vicinitatibus et confiniis aequum facilem, multa multis de suo iure cedentem, a litibus vero, quantum liceat et nescio an paullo plus etiam quam liceat, abhorrentem. Est enim non modo liberale paullum non numquam de suo iure decedere, sed interdum etiam fructuosum. Habenda autem ratio est rei familiaris, quam quidem dilabi sinere flagitiosum est, sed ita, ut inliberalitatis avaritiaeque absit suspitio. Posse enim liberalitate uti non spoliantem se patrimonio nimirum est pecuniae fructus maximus. Recte etiam a Theophrasto est laudata hospitalitas. Est enim, ut mihi quidem videtur, valde decorum patere domus hominum inlustrium hospitibus inlustribus idque etiam rei publicae est ornamento, homines externos hoc liberalitatis genere in urbe nostra non egere. Est autem etiam vehementer utile iis, qui honeste posse multum volunt, per hospites apud externos populos valere opibus et gratia. Theophrastus quidem scribit, Cimonem Athenis etiam in suos curialis Laciadas hospitalem fuisse : ita enim instituisse et vilicis imperavisse, ut omnia praeberentur quicumque Laciades in villam suam devertisset.

The duty of Hospitality. Example of CIMON.

XIX

(B) Of the second kind of Beneficence, which consists in rendering personal service to others, whether (1) Individuals CH. XIX—XX The knowledge of Civil Law—now alas! out of use—enabled men formerly to assist others in this way:

65. Quae autem opera, non largitione beneficia dantur, haec tum in universam rem publicam tum in singulos cives conferuntur. Nam in iure cavere, consilio iuvare atque hoc scientiae genere prodesse quam plurimis vehementer et ad opes augendas pertinet et ad gratiam. Itaque cum multa praeclara maiorum tum quod optime constituti iuris civilis summo semper in honore fuit cognitio atque interpretatio; quam quidem ante hanc confusionem temporum in possessione sua principes retinuerunt, nunc, ut honores, ut omnes

10 delabi *Ba* || 21 Athenis *seclusit Heine* || 21 Laciadas *secl. Ba, del. van den Es* || 28 *verba* consilio iuvare *pro glossa habet Heine*

dignitatis gradus, sic huius scientiae splendor deletus est, idque eo indignius, quod eo tempore hoc contigit, cum is esset qui omnes superiores, quibus honore par esset, scientia facile vicisset. Haec igitur opera grata multis et ad beneficiis obstringendos homines accommodata. 66. Atque huic arti finitima est dicendi [gravior] facultas et gratior et ornatior. Quid enim eloquentia praestabilius vel admiratione audientium vel spe indigentium vel eorum, qui defensi sunt, gratia? Huic ergo a maioribus nostris est in toga dignitatis principatus datus. Diserti igitur hominis et facile laborantis quodque in patriis est moribus, multorum causas et non gravate et gratuito defendentis beneficia et patrocinia late patent.

also the power of persuasion or Eloquence, to which the old Romans assigned the highest rank among the civil professions.

Its decadence to be lamented.

67. Admonebat me res ut hoc quoque loco intermissionem eloquentiae, ne dicam interitum, deplorarem, ni vererer ne de me ipso aliquid viderer queri. Sed tamen videmus, quibus extinctis oratoribus quam in paucis spes, quanto in paucioribus facultas, quam in multis sit audacia. Cum autem omnes non possint, ne multi quidem, aut iuris periti esse aut diserti, licet tamen opera prodesse multis, beneficia petentem, commendantem iudicibus, magistratibus, vigilantem pro re alterius, eos ipsos, qui aut consuluntur aut defendunt, rogantem: quod qui faciunt, plurimum gratiae consequuntur latissimeque eorum manat industria. 68. Iam illud non sunt admonendi—est enim in promptu—, ut animum advertant, cum iuvare alios velint, ne quos offendant. Saepe enim aut eos laedunt, quos non debent, aut eos, quos non expedit: si inprudentes, neglegentiae est, si scientes, temeritatis. Utendum etiam est excusatione adversus eos, quos invitus offendas, quacumque possis, qua re id, quod feceris, necesse fuerit nec aliter facere potueris, ceterisque operis et officiis erit id, quod violatum videbitur, compensandum.

Other methods of rendering personal service within the power of all.

We must take care, however, in obliging some not to disoblige others.

6 dicendi facultas et gravior et ornatior *Z*, gravior *codd.*, *primus seclusit Lambinus* || 10 huic quoque *codd.*, *om. F Or Z Heine Lu* || 33 violatum videbitur *Ba Heine Lu St cum optimis codd.*, *in ceteris aut omittitur verbum aut* est *legitur*

XX

In rendering a service consider the man, not his fortune. Men are usually readier to assist a wealthy and powerful than a poor and honest man. Reasons why they ought to do the contrary.

69. Sed cum in hominibus iuvandis aut mores spectari aut fortuna soleat, dictu quidem est proclive itaque volgo loquuntur, se in beneficiis collocandis mores hominum, non fortunam sequi. Honesta oratio est. Sed quis est tandem, qui inopis et optimi viri causae non anteponat in opera danda gratiam fortunati et potentis? A quo enim expeditior et celerior remuneratio fore videtur, in eum fere est voluntas nostra propensior. Sed animadvertendum est diligentius, quae natura rerum sit. Nimirum enim inops ille, si bonus est vir, etiam si referre gratiam non potest, habere certe potest. Commode autem, quicumque dixit, 'pecuniam qui habeat, non reddidisse, qui reddiderit, non habere, gratiam autem et qui rettulerit habere et qui habeat rettulisse.' At qui se locupletes honoratos beatos putant, ii ne obligari quidem beneficio volunt: quin etiam beneficium se dedisse arbitrantur, cum ipsi quamvis magnum aliquod acceperint, atque etiam a se aut postulari aut exspectari aliquid suspicantur, patrocinio vero se usos aut clientes appellari mortis instar putant. 70. At vero ille tenuis, cum, quidquid factum sit, se spectatum, non fortunam putat, non modo illi, qui est meritus, sed etiam illis, a quibus expectat—eget enim multis—, gratum se videri studet: neque vero verbis auget suum munus, si quo forte fungitur, sed etiam extenuat. Videndumque illud est, quod, si opulentum fortunatumque defenderis, in uno illo aut, si forte, in liberis eius manet gratia: sin autem inopem, probum tamen et modestum, omnes non improbi humiles, quae magna in populo multitudo est, praesidium sibi paratum vident. 71. Quam ob rem melius apud bonos quam apud fortunatos beneficium collocari puto. Danda omnino opera est ut omni generi satis facere possimus;

In case of a competition between two or more deserving objects of our kindness, THEMISTOCLES' advice should be followed.

sed, si res in contentionem veniet, nimirum Themistocles est auctor adhibendus, qui cum consuleretur, utrum bono viro pauperi an minus probato diviti filiam collocaret: 'Ego vero' in-

24 aut, si forte, in liberis. '*Sanatus locus est ex Bern. c ab Orellio: vulgo* si *omittitur, quasi* aut forte *pro* aut fortasse *Tullianum sit.*' St

quit 'malo virum, qui pecunia egeat, quam pecuniam, quae viro.' Sed corrupti mores depravatique sunt admiratione divitiarum: quarum magnitudo quid ad unum quemque nostrum pertinet? Illum fortasse adiuvat, qui habet. Ne id quidem semper. Sed fac iuvare: utentior sane sit, honestior vero quo modo? Quod si etiam bonus erit vir, ne impediant divitiae quo minus iuvetur, modo ne adiuvent, sitque omne iudicium non, quam locuples, sed qualis quisque sit. Extremum autem

The last rule to be observed in this kind of liberality.

praeceptum in beneficiis operaque danda, ne quid contra aequitatem contendas, ne quid pro iniuria. Fundamentum enim est perpetuae commendationis et famae iustitia, sine qua nihil potest esse laudabile.

XXI

(2) or the State, and citizens in general.

72. Sed quoniam de eo genere beneficiorum dictum est, quae ad singulos spectant, deinceps de iis, quae ad universos quaeque ad rem publicam pertinent, disputandum est. Eorum autem ipsorum partim eius modi sunt, ut ad universos cives pertineant, partim singulos ut attingant, quae sunt etiam gratiora. Danda opera est omnino,

Nothing is to be done for the sake of Citizens in particular, which may be prejudicial to the Public in general.

si possit, utrisque, nec minus ut etiam singulis consulatur, sed ita, ut ea res aut prosit aut certe ne obsit rei publicae. C. Gracchi frumentaria magna largitio: exhauriebat igitur aerarium; modica M. Octavii et rei publicae tolerabilis et plebi necessaria: ergo et civibus et rei publicae salutaris. 73.

Duties of the Governor of a State; 1st, to provide for the security of Property;

In primis autem videndum erit ei, qui rem publicam administrabit, ut suum quisque teneat neque de bonis privatorum publice deminutio fiat. Perniciose enim Philippus in tribunatu, cum legem agrariam ferret, quam tamen antiquari facile passus est et in eo vehementer se moderatum praebuit—sed cum in agendo multa populariter tum illud male, non esse in civitate duo milia hominum, qui rem haberent. Capitalis oratio est, ad aequationem bonorum pertinens, qua peste quae potest esse maior? Hanc enim ob causam maxume, ut sua tenerent, res publicae civitatesque constitutae sunt. Nam etsi duce natura

19 ut utrisque *Lambinus* || 32 capitalis oratio et *Or*, capitalis oratio est *codd.* || 34 tenerentur *plerique codd.*, tenerent *cum paucis Or Heine Lu*

congregabantur homines, tamen spe custodiae rerum suarum urbium praesidia quaerebant. 74. Danda etiam opera est ne (quod apud maiores nostros saepe fiebat propter aerarii tenuitatem assiduitatemque bellorum) tributum sit conferendum; idque ne eveniat multo ante erit providendum. Sin quae necessitas huius muneris alicui rei publicae obvenerit—malo enim *ita* quam nostrae ominari, neque tamen de nostra, sed de omni re publica disputo—, danda erit opera ut omnes intellegant, si salvi esse velint, necessitati esse parendum. Atque etiam omnes, qui rem publicam gubernabunt, consulere debebunt, ut earum rerum copia sit, quae sunt ad victum necessariae. Quarum qualis comparatio fieri soleat et debeat, non est necesse disputare; est enim in promptu: tantum locus attingendus fuit.

2nd, not to burden the people with taxes:

3rd, to provide the necessaries of life in abundance for the people:

4th, to be free from even any suspicion of avarice. Saying of C. PONTIUS the Samnite.

75. Caput autem est in omni procuratione negotii et muneris publici, ut avaritiae pellatur etiam minima suspitio. 'Utinam' inquit C. Pontius Samnis 'ad illa tempora me fortuna reservavisset et tum essem natus, quando Romani dona accipere coepissent! non essem passus diutius eos imperare.' Ne illi multa saecula expectanda fuerunt; modo enim hoc malum in hanc rem publicam invasit. Itaque facile patior tum potius Pontium fuisse, si quidem in illo tantum fuit roboris. Nondum centum et decem anni sunt, cum de pecuniis repetundis a L. Pisone lata lex est, nulla antea cum fuisset. At vero postea tot leges et proxumae quaeque duriores, tot rei, tot damnati, tantum Italicum bellum propter iudiciorum metum excitatum, tanta sublatis legibus et iudiciis expilatio direptioque sociorum, ut inbecillitate aliorum, non nostra virtute valeamus.// 76. Laudat Africanum Panaetius, quod fuerit abstinens. Quidni laudet? Sed in illo alia maiora. Laus abstinentiae non hominis est solum, sed etiam temporum illorum. Omni Macedonum gaza, quae fuit maxima, potitus Paulus tantum in aerarium pecuniae invexit, ut unius imperatoris praeda finem attulerit tributorum: at hic nihil domum suam intulit praeter memoriam nominis sempiternam. Imitatus patrem Africanus nihilo locupletior Karthagine eversa. Quid? qui eius collega fuit in censura, L. Mummius, num quid copiosior, cum copiosissimam urbem funditus sustulisset? Italiam ornare quam domum suam maluit. Quamquam Italia ornata domus ipsa mihi videtur ornatior. 77. Nullum igitur vitium taetrius est, ut eo unde egressa est referat se oratio, quam avaritia, praesertim in principibus et rem publicam gubernantibus. Habere enim quaestui rem publicam non modo turpe est, sed sceleratum etiam et nefarium. Itaque quod Apollo Pythius oraculum edidit 'Spartam nulla re alia nisi avaritia esse perituram', id videtur non solum Lacedaemoniis, sed etiam omnibus opulentis populis praedixisse. Nulla autem re conciliare facilius benevolentiam multitudinis possunt ii, qui rei publicae praesunt, quam abstinentia et continentia. 78. Qui vero se populares volunt ob eamque causam aut agrariam rem temptant, ut possessores pellantur suis sedibus, aut pecunias creditas debitoribus condonandas putant, labefactant fundamenta rei publicae, concordiam primum, quae esse non potest, cum aliis adimuntur, aliis condonantur pecuniae, deinde aequitatem, quae tollitur omnis, si habere suum cuique non licet. Id enim est proprium, ut supra dixi, civitatis atque urbis, ut sit libera et non sollicita suae rei cuiusque custodia. 79. Atque in hac pernicie rei publicae ne illam quidem consequuntur, quam putant, gratiam. Nam cui res

Law of Piso, followed by others more severe, failed to restrain the avarice and self-seeking of Governors, so destructive of a State.

XXII Historical examples of self-denial.

Freedom from avarice and self-seeking, together with self-control, a certain method of winning popular esteem. Levelling measures and public confiscations—by which some men have sought to recommend themselves to the favour of the people—are pernicious as well as foolish, unjust and unreasonable.

7 malo enim *codd.* malo enim alii *Ba ex uno codice:* malo enim ita *Heine e coni.* || 8 tantum *Or*, '*quod perversum est, cum hoc ipsum Cicero cavere velit, ne de sua republica dicere putetur: disputat enim de omni republica*' *St*; tamen *codd.* || 12 ad victum *Ba Heine ex Bern. c. p*, *om. Or cum plerisque codd.* || 28 Italicum *del. Bake*, *secl. Ba*

1 abstinentiae *codd. Bern. c. et Pal.*, sapientiae *cett.* || 3 potitus *Heusinger Ba Heine*, potitus est *Or Lu cum codd.* || 5 nihil domum suam p. m. n. s. detulit *cum codd. c p Gr Or Z St Heine. Utrumque verbum et* intulit *et* detulit *grammatici alicuius supplementum esse coni. Ba* || 12 digressa *cum cod. c et Nonio Ba* || 24 ii labefactant *Or cum duobus codd.*

erepta est, est inimicus: cui data est, etiam dissimulat se accipere voluisse et maxime in pecuniis creditis occultat suum gaudium, ne videatur non fuisse solvendo. At vero ille, qui accepit iniuriam, et meminit et prae se fert dolorem suum, nec, si plures sunt ii, quibus improbe datum est, quam illi, quibus iniuste ademptum est, idcirco plus etiam valent. Non enim numero haec iudicantur, sed pondere. Quam autem habet aequitatem, ut agrum multis annis aut etiam saeculis ante possessum qui nullum habuit habeat, qui autem habuit amittat?

XXIII

Some examples of their unhappy effects.

80. Ac propter hoc iniuriae genus Lacedaemonii Lysandrum ephorum expulerunt, Agim regem, quod numquam antea apud eos acciderat, necaverunt, exque eo tempore tantae discordiae secutae sunt, ut et tyranni existerent et optumates exterminarentur et praeclarissime constituta res publica dilaberetur. Nec vero solum ipsa cecidit sed etiam reliquam Graeciam evertit contagionibus malorum, quae a Lacedaemoniis profectae manarunt latius. Quid? nostros Gracchos, Ti. Gracchi summi viri filios, Africani nepotes, nonne agrariae contentiones perdiderunt?

The wise conduct of ARATUS, on the contrary, in the re-establisment of the Achaean league affords an excellent example to all future statesmen.

81. At vero Aratus Sicyonius iure laudatur, qui, cum eius civitas quinquaginta annos a tyrannis teneretur, profectus Argis Sicyonem clandestino introitu urbe est potitus, cumque tyrannum Nicoclem improviso oppressisset, sescentos exsules, qui locupletissimi fuerant eius civitatis, restituit remque publicam adventu suo liberavit. Sed cum magnam animadverteret in bonis et possessionibus difficultatem, quod et eos, quos ipse restituerat, quorum bona alii possederant, egere iniquissimum esse arbitrabatur et quinquaginta annorum possessiones moveri non nimis aequum putabat propterea quod tam longo spatio multa hereditatibus, multa emptionibus, multa dotibus tenebantur sine iniuria, iudicavit neque illis adimi nec iis non satis fieri quorum illa fuerant oportere. 82. Cum igitur statuisset opus esse ad eam rem

4 accipit *Or cum plerisque codd.* accepit *Bern c* || 12 Agim *Ba Heine Lu* Agin *Or* || 18 profecta emanarunt *Ba* || 31 possessione *St*

constituendam pecunia, Alexandream se proficisci velle dixit remque integram ad reditum suum iussit esse. Isque celeriter ad Ptolemaeum suum hospitem venit, qui tum regnabat alter post Alexandream conditam. Cui cum exposuisset patriam se liberare velle causamque docuisset, a rege opulento vir summus facile impetravit ut grandi pecunia adiuvaretur. Quam cum Sicyonem attulisset, adhibuit sibi in consilium quindecim principes, cum quibus causas cognovit et eorum, qui aliena tenebant, et eorum, qui sua amiserant, perfecitque aestumandis possessionibus, ut persuaderet aliis, ut pecuniam accipere mallent, possessionibus cederent, aliis ut commodius putarent numerari sibi, quod tanti esset, quam suum recuperare. Ita perfectum est ut omnes concordia constituta sine querella discederent. 83. O virum magnum dignumque, qui in re publica nostra natus esset! Sic par est agere cum civibus, non, ut bis iam vidimus, hastam in foro ponere et bona civium voci subicere praeconis. At ille Graecus, id quod fuit sapientis et praestantis viri, omnibus consulendum putavit, eaque est summa ratio et sapientia boni civis, commoda civium non divellere atque omnes aequitate eadem continere. Habitent gratis in alieno. Quid ita? ut, cum ego emerim aedificarim, tuear impendam, tu me invito fruare meo? Quid est aliud aliis sua eripere, aliis dare aliena?

XXIV

Acts for the abolition of debts being so pernicious, it is one duty of a good Governor to prevent debts being contracted, which may endanger the public safety.

84. Tabulae vero novae quid habent argumenti, nisi ut emas mea pecunia fundum, eum tu habeas, ego non habeam pecuniam? Quam ob rem ne sit aes alienum, quod rei publicae noceat, providendum est, quod multis rationibus caveri potest, non, si fuerit, ut locupletes suum perdant, debitores lucrentur alienum. Nec enim ulla res vehementius rem publicam continet quam fides, quae esse nulla potest, nisi erit necessaria solutio rerum creditarum.

Treatment of debtors by Cicero in the conspiracy of Cataline.

Nunquam vehementius actum est quam me consule ne solveretur. Armis et castris temptata res est ab omni genere hominum et ordine: quibus ita restiti, ut hoc totum malum de re publica tolleretur. Numquam nec maius aes alienum fuit nec

melius nec facilius dissolutum est: fraudandi enim spe sublata solvendi necessitas consecuta est. At vero hic nunc victor, tum quidem victus, quae cogitarat, *cum ipsius intererat, tum* ea perfecit, cum eius iam nihil interesset. Tanta in eo peccandi libido fuit, ut hoc ipsum eum delectaret peccare, etiam si causa non esset.

Allusion to Julius Caesar.

The duties of a good Magistrate to avoid this sort of liberality and to secure to each person his proper rights.

85. Ab hoc igitur genere largitionis, ut aliis detur, aliis auferatur, aberunt ii, qui rem publicam tuebuntur, in primisque operam dabunt ut iuris et iudiciorum aequitate suum quisque teneat et neque tenuiores propter humilitatem circumveniantur neque locupletibus ad sua vel tenenda vel recuperanda obsit invidia, praeterea quibuscumque rebus vel belli vel domi poterunt, rem publicam augeant imperio agris vectigalibus. Haec magnorum hominum sunt, haec apud maiores nostros factitata, haec genera officiorum qui persequuntur cum summa utilitate rei publicae magnam ipsi adipiscentur et gratiam et gloriam.

Care of our Health and Estate should be one main concern. Rules to be observed.

86. In his autem utilitatum praeceptis Antipater Tyrius, Stoicus, qui Athenis nuper est mortuus, duo praeterita censet esse a Panaetio, valetudinis curationem et pecuniae: quas res a summo philosopho praeteritas arbitror, quod essent faciles; sunt certe utiles. Sed valetudo sustentatur notitia sui corporis et observatione, quae res aut prodesse soleant aut obesse, et continentia in victu omni atque cultu corporis tuendi causa praetermittendis voluptatibus, postremo arte eorum, quorum ad scientiam haec pertinent. 87. Res autem familiaris quaeri debet iis rebus, a quibus abest turpitudo, conservari autem diligentia et parsimonia, eisdem etiam rebus augeri. Has res commodissime Xenophon Socraticus persecutus est in eo libro, qui 'Oeconomicus' inscribitur, quem nos, ista fere aetate cum essemus, qua es tu nunc, e Graeco in Latinum convertimus.

4 *verba* cum ipsius intererat, tum *habent duo codd. c p: in cett. codd. desunt* || 6 peccare *seclusit Ba auctore Bakio* || 26 causa [praetermittendis voluptatibus] *Ba Heine Lu*

Sed toto hoc de genere, de quaerenda, de collocanda pecunia, vellem etiam de utenda, commodius a quibusdam optimis viris ad Ianum medium sedentibus quam ab ullis philosophis ulla in schola disputatur. Sunt tamen ea cognoscenda: pertinent enim ad utilitatem, de qua hoc libro disputatum est.

XXV

Fourth General Head of Deliberation.

Comparison between obligations in respect of their Expediency. Illustration of the manner in which such comparison may be made.

88. Sed utilitatum comparatio, quoniam hic locus erat quartus, a Panaetio praetermissus, saepe est necessaria. Nam et corporis commoda cum externis et externa cum corporis et ipsa inter se corporis et externa cum externis comparari solent. Cum externis corporis hoc modo comparantur, valere ut malis quam dives esse; cum corporis externa hoc modo, dives esse potius quam maxumis corporis viribus; ipsa inter se corporis sic, ut bona valetudo voluptati anteponatur, vires celeritati; externorum autem, ut gloria divitiis, vectigalia urbana rusticis. 89. Ex quo genere comparationis illud est Catonis senis: a quo cum quaereretur, quid maxime in re familiari expediret, respondit, 'bene pascere.' Quid secundum? 'Satis bene pascere.' Quid tertium? 'Male pascere.' Quid quartum? 'Arare.' Et cum ille, qui quaesierat, dixisset 'Quid fenerari?' tum Cato 'Quid hominem' inquit 'occidere?' Ex quo et multis aliis intellegi debet utilitatum comparationes fieri solere recteque hoc adiunctum esse quartum exquirendorum officiorum genus. 90. Reliqua deinceps persequemur.

Saying of CATO the elder on this subject.

1 sed toto...disputatum est *e* § 90 *huc transposuit Unger probantibus Ba Heine Lu* 9 *verba* et externa cum corporis *uncis secludunt Ba Unger Heine, etiam quae sequuntur* 13—14 cum corporis—viribus. || 21 vel male pascere *Heine e Columella;* quid tertium?—pascere *om. codd. praeter Bern. c et Palat.*

LIBRI SECVNDI FINIS

MARCI TVLLII CICERONIS

DE OFFICIIS

AD

MARCVM FILIVM

LIBER TERTIVS

LIBER TERTIVS

I 1. Introduction. The Author's Retirement not like that of SCIPIO AFRICANUS; the one being the effect of choice, the other of necessity.

1. PUBLIVM Scipionem, Marce fili, eum qui primus Africanus appellatus est, dicere solitum scripsit Cato, qui fuit eius fere aequalis, *numquam se minus otiosum esse quam cum otiosus, nec minus solum quam cum solus esset.* Magnifica vero vox et magno viro ac sapiente digna: quae declarat illum et in otio de negotiis cogitare et in solitudine secum loqui solitum, ut neque cessaret umquam et interdum conloquio alterius non egeret. Ita duae res, quae languorem adferunt ceteris, illum acuebant, otium et solitudo. Vellem nobis hoc idem vere dicere liceret, sed si minus imitatione tantam ingenii praestantiam consequi possumus, voluntate certe proxime accedimus. Nam et a re publica forensibusque negotiis armis impiis vique prohibiti otium persequimur et ob eam causam urbe relicta rura peragrantes saepe soli sumus. 2. Sed nec hoc otium cum Africani otio nec haec solitudo cum illa comparanda est. Ille enim requiescens a rei publicae pulcherrimis muneribus otium sibi sumebat aliquando et e coetu hominum frequentiaque interdum tamquam in portum se in solitudinem recipiebat. Nostrum autem otium negotii inopia, non requiescendi studio constitutum est. Extincto enim senatu deletisque iudiciis quid est quod dignum nobis aut in curia aut in foro agere

2 est *Ba St Heine, Lu cum uno cod., vulgo* sit || 9 ita *Ba Heine Lu cum codd.,* itaque *Or Zu* || 10 hoc idem dicere *Z cum aliquot codd.*

possimus? 3. Ita qui in maxima celebritate atque in oculis civium quondam vixerimus, nunc fugientes conspectum sceleratorum, quibus omnia redundant, abdimus nos, quantum licet, et saepe soli sumus. Sed quia sic ab hominibus doctis accepimus, non solum ex malis eligere minima oportere, sed etiam excerpere ex his ipsis, si quid inesset boni, propterea et otio fruor, non illo quidem, quo debebat is, qui quondam peperisset otium civitati, nec eam solitudinem languere patior, quam mihi adfert necessitas, non voluntas. 4. Quamquam Africanus maiorem laudem meo iudicio assequebatur. Nulla enim eius ingenii monumenta mandata litteris, nullum opus otii, nullum solitudinis munus extat: ex quo intellegi debet illum mentis agitatione investigationeque earum rerum, quas cogitando consequebatur, nec otiosum nec solum unquam fuisse. Nos autem, qui non tantum roboris habemus, ut cogitatione tacita a solitudine abstrahamur, ad hanc scribendi operam omne studium curamque convertimus. Itaque plura brevi tempore eversa quam multis annis stante re publica scripsimus.

II

The Subject of Duties being the most useful part of all Philosophy is most deserving of his Son's attention. CICERO exhorts him to be diligent in the use of the opportunities of study which he enjoys at Athens under CRATIPPUS.

5. Sed cum tota philosophia, mi Cicero, frugifera et fructuosa nec ulla pars eius inculta ac deserta sit, tum nullus feracior in ea locus est nec uberior quam de officiis, a quibus constanter honesteque vivendi praecepta ducuntur. Qua re quamquam a Cratippo nostro, principe huius memoriae philosophorum, haec te assidue audire atque accipere confido, tamen conducere arbitror talibus aures tuas vocibus undique circumsonare nec eas, si fieri possit, quicquam aliud audire. 6. Quod cum omnibus est faciendum, qui vitam honestam ingredi cogitant, tum haud scio an nemini potius quam tibi. Sustines enim non parvam expectationem imitandae industriae nostrae, magnam honorum, non nullam fortasse nominis. Suscepisti onus praeterea grave et Athenarum et Cratippi: ad quos cum tamquam ad mercaturam bonarum artium sis profectus, inanem redire tur-

7 debeat *St cum plerisque codd. ut multo urbanius ac modestius quam* debebat.

pissimum est dedecorantem et urbis auctoritatem et magistri. Qua re quantum coniti animo potes, quantum labore contendere—si discendi labor est potius quam voluptas—tantum fac ut efficias neve committas ut, cum omnia suppeditata sint a nobis, tute tibi defuisse videare. Sed haec hactenus: multa enim saepe ad te cohortandi gratia scripsimus. Nunc ad reliquam partem propositae divisionis revertamur.

Fifth General Head of Deliberation.

General observations on the conflict between Moral Rectitude and Expediency.

This subject has been passed over by PANAETIUS, not, however, intentionally, as some suppose.

7. Panaetius igitur, qui sine controversia de officiis accuratissime disputavit quemque nos correctione quadam adhibita potissimum secuti sumus, tribus generibus propositis, in quibus deliberare homines et consultare de officio solerent,—uno, cum dubitarent honestumne id esset de quo ageretur an turpe, altero, utilene esset an inutile, tertio, si id, quod speciem haberet honesti, pugnaret cum eo quod utile videretur, quo modo ea discerni oporteret:—de duobus generibus primis tribus libris explicavit, de tertio autem genere deinceps se scripsit dicturum nec exsolvit id, quod promiserat. 8. Quod eo magis miror, quia scriptum a discipulo eius Posidonio est, triginta annis vixisse Panaetium postea quam illos libros edidisset. Quem locum miror a Posidonio breviter esse tactum in quibusdam commentariis, praesertim cum scribat nullum esse locum in tota philosophia tam necessarium. 9. Minime vero assentior iis, qui negant eum locum a Panaetio praetermissum, sed consulto relictum nec omnino scribendum fuisse, quia nunquam posset utilitas cum honestate pugnare. De quo alterum potest habere dubitationem, adhibendumne fuerit hoc genus, quod in divisione Panaetii tertium est, an plane omittendum, alterum dubitari non potest, quin a Panaetio susceptum sit, sed relictum. Nam qui e divisione tripertita duas partes absolverit, huic necesse est restare tertiam. Praeterea in extremo libro tertio de hac parte pollicetur se deinceps esse dicturum. 10. Accedit eodem testis locuples Posidonius, qui etiam scribit in quadam epistola P. Rutilium Rufum dicere solere, qui Panaetium audierat, ut nemo pictor esset inventus, qui in Coa Venere eam partem, quam Apelles inchoa-

tam reliquisset, absolveret—oris enim pulchritudo reliqui corporis imitandi spem auferebat—sic ea, quae Panaetius praetermisisset et non perfecisset, propter eorum quae perfecisset praestantiam neminem persecutum.

III

It is a question, however, whether Panaetius did well in proposing to consider this: because there never can be any real conflict between Expediency and Moral Rectitude,

11. Quam ob rem de iudicio Panaetii dubitari non potest; rectene autem hanc tertiam partem ad exquirendum officium adiunxerit an secus, de eo fortasse disputari potest. Nam sive honestum solum bonum est, ut Stoicis placet, sive, quod honestum est, id ita summum bonum est, quem ad modum Peripateticis vestris videtur, ut omnia ex altera parte collocata vix minimi momenti instar habeant, dubitandum non est quin numquam possit utilitas cum honestate contendere. Itaque accepimus Socratem execrari solitum eos, qui primum haec natura cohaerentia opinione distraxissent. Cui quidem ita sunt Stoici assensi, ut et, quidquid honestum esset, id utile esse censerent nec utile quicquam, quod non honestum. 12. Quod si is esset Panaetius, qui virtutem propterea colendam diceret, quod ea efficiens utilitatis esset, ut ii, qui res expetendas vel voluptate vel indolentia metiuntur, liceret ei dicere utilitatem aliquando cum honestate pugnare. Sed cum sit is, qui id solum bonum iudicet, quod honestum sit, quae autem huic repugnent specie quadam utilitatis, eorum neque accessione meliorem vitam fieri nec decessione peiorem, non videtur debuisse eius modi deliberationem introducere, in qua quod utile videretur cum eo, quod honestum est, compararetur. 13. Etenim quod summum bonum a Stoicis dicitur, convenienter naturae vivere, id habet hanc, ut opinor, sententiam, cum virtute congruere semper, cetera autem, quae secundum naturam essent, ita legere, si ea virtuti non repugnarent. Quod cum ita sit, putant quidam hanc comparationem non recte introductam nec omnino de eo genere quicquam praecipiendum fuisse.

3 *verba* et non perfecisset *quae desunt in nonnullis codd. secluserunt Ba Heine* || 4 neminem persecutum *St Heine Lu cum aliquot codd.* esse persecutum *vulgo* || 27 honestum esset *Ba Lu cum cod. c.*

whether that of the highest degree which is the exclusive heritage of the perfectly wise man,

Atque illud quidem honestum, quod proprie vereque dicitur, id in sapientibus est solis neque a virtute divelli umquam potest. In iis autem, in quibus sapientia perfecta non est, ipsum illud quidem perfectum honestum nullo modo, similitudines honesti esse possunt. 14. Haec enim officia, de quibus his libris disputamus, media Stoici appellant: ea communia sunt et late patent, quae et ingenii bonitate multi assecuntur et progressione discendi. Illud autem officium, quod rectum idem appellant, perfectum atque absolutum est et, ut idem dicunt, omnes numeros habet nec praeter sapientem cadere in quemquam potest.

or that to which ordinary men can attain, and which answers the vulgar idea of perfection. The duties derivable from this latter kind, which the Stoics call *media*, form the subject of our enquiry.

15. Cum autem aliquid actum est, in quo media officia compareant, id cumulate videtur esse perfectum propterea, quod volgus, quid absit a perfecto, non fere intellegit; quatenus autem intellegit, nihil putat praetermissum: quod idem in poëmatis, in picturis usu venit in aliisque compluribus, ut delectentur imperiti laudentque ea, quae laudanda non sint, ob eam, credo, causam quod insit in iis aliquid probi, quod capiat ignaros, qui quid in una quaque re vitii sit, nequeant iudicare. Itaque cum sunt docti a peritis, desistunt facile sententia.

IV Haec igitur officia, de quibus his libris disserimus, quasi secunda quaedam honesta esse dicunt, non sapientium modo propria, sed cum omni hominum genere communia. 16. Itaque iis omnes, in quibus est virtutis indoles, commoventur.

Even such men as CATO and LAELIUS, even the seven sages themselves, were not wise in the highest sense of the word.

Nec vero cum duo Decii aut duo Scipiones fortes viri commemorantur aut cum Fabricius [aut Aristides] iustus nominatur, aut ab illis fortitudinis aut ab hoc iustitiae tamquam a sapiente petitur exemplum. Nemo enim horum sic sapiens, ut sapientem volumus intellegi, nec ii, qui sapientes habiti et nominati, M. Cato et C. Laelius, sapientes fuerunt, ne

1 atqui *Fleckeisen Heine* || 21 qui quidem *codd. multi*, qui idem *cod. a b c*, qui *Madvig deleto* idem *probantibus Heine Lu* || 28 aut Aristides *codd. quae ut spuria secluserunt Ba Heine auctore I. M. Heusingero* || 30 ab hoc *Lactantius*, ab his *Or Lu cum codd.* || 32 sunt habiti *Heine*

illi quidem septem, sed ex mediorum officiorum frequentia similitudinem quandam gerebant speciemque sapientium. 17. Quocirca nec id, quod vere honestum est, fas est cum utilitatis repugnantia comparari nec id, quod communiter appellamus honestum, quod colitur ab iis qui bonos se viros haberi volunt, cum emolumentis umquam est comparandum, tamque id honestum, quod in nostram intellegentiam cadit, tuendum conservandumque nobis est quam illud, quod proprie dicitur vereque est honestum, sapientibus. Aliter enim teneri non potest, si quae ad virtutem est facta progressio. Sed haec quidem de iis, qui conservatione officiorum existimantur boni. 18. Qui autem omnia metiuntur emolumentis et commodis neque ea volunt praeponderari honestate, ii solent in deliberando honestum cum eo, quod utile putant, comparare, boni viri non solent. Itaque existimo Panaetium, cum dixerit homines solere in hac comparatione dubitare, hoc ipsum sensisse, quod dixerit, 'solere' modo, non etiam 'oportere.' Etenim non modo pluris putare quod utile videatur quam quod honestum *est*, sed haec etiam inter se comparare et in his addubitare turpissimum est. Quid ergo est, quod non numquam dubitationem adferre soleat considerandumque videatur? Credo, si quando dubitatio accidit, quale sit id, de quo consideretur. 19. Saepe enim tempore fit ut, quod turpe plerumque haberi soleat, inveniatur non esse turpe. Exempli causa ponatur aliquid quod pateat latius. Quod potest maius esse scelus quam non modo hominem, sed etiam familiarem hominem occidere? Num igitur se astrinxit scelere, si qui tyrannum occidit quamvis familiarem? Populo quidem Romano non videtur, qui ex omnibus praeclaris factis illud pulcherrimum existimat. Vicit ergo utilitas honestatem? Immo vero honestas utilitatem; *honestatem utilitas* secuta est.

PANAETIUS meant that Expediency is by men ordinarily although wrongly opposed to Moral Rectitude. How men come to entertain doubt on this subject. Illustration.

19 honestum sit *Or St tamquam e coni. cum habeat cod. Bern. c*, honestum est *Fleckeisen probante Heine* ‖ 31 immo vero honestas utilitatem secuta *vel* consecuta est *codd.*, *Lu*; immo vero honestas utilitatem: et utilitas honestatem secuta est *Ungerus coll. Ambros. de off.* III 9, 60, honestas utilitatem: honestatem utilitas secuta est *Ba Heine*

Hence the necessity for some general Rule to prevent us from being misled by a false appearance of utility in any occasion of doubt. This should conform to the principles of the Stoics: '*Whatever is morally good, is expedient*' and '*Nothing can be expedient, which is not morally good.*'

Itaque, ut sine ullo errore diiudicar[illegible]mus, si quando cum illo, quod honestum intellegimus, pugnare id videbitur, quod appellamus utile, formula quaedam constituenda est, quam si sequemur in comparatione rerum, ab officio numquam recedemus. 20. Erit autem haec formula Stoicorum rationi disciplinaeque maxime consentanea, quam quidem his libris propterea sequimur, quod, quamquam et a veteribus Academicis et a Peripateticis vestris, qui quondam idem erant qui Academici, quae honesta sunt, anteponuntur iis quae videntur utilia, tamen splendidius haec ab eis disseruntur, quibus, quidquid honestum est, idem utile videtur nec utile quicquam, quod non honestum, quam ab iis, quibus aut honestum aliquid non utile aut utile non honestum. Nobis autem nostra Academia magnam licentiam dat, ut, quodcumque maxime probabile occurrat, id nostro iure liceat defendere. Sed redeo ad formulam.

V

What seeming Expediency is contrary to Nature.

To wrong another for selfish ends tends to subvert human society, and is therefore forbidden (*a*) by the law of Nature,

21. Detrahere igitur alteri aliquid et hominem hominis incommodo suum commodum augere magis est contra naturam quam mors, quam paupertas, quam dolor, quam cetera, quae possunt aut corpori accidere aut rebus externis. Nam principio tollit convictum humanum et societatem. Si enim sic erimus adfecti, ut propter suum quisque emolumentum spoliet aut violet alterum, disrumpi necesse est eam, quae maxime est secundum naturam, humani generis societatem. 22. Ut, si unum quodque membrum sensum hunc haberet, ut posse putaret se valere, si proximi membri valetudinem ad se traduxisset, debilitari et interire totum corpus necesse esset, sic, si unus quisque nostrum ad se rapiat commoda aliorum detrahatque quod cuique possit emolumenti sui gratia, societas hominum et communitas evertatur necesse est. Nam sibi ut quisque malit quod ad usum vitae pertineat quam alteri adquirere, concessum est

11 qui Academici *contra codd. om. Or Z Be* ‖ 13 disserentur *Fabritius Ba cum codd.*, disseruntur *Or Heine Lu*

no[…]repugnante natura: illud natura non patitur, ut aliorum spoliis nostras facultates, copias, opes augeamus. 23. Neque vero hoc solum natura, id est iure gentium, sed etiam legibus populorum, quibus in singulis civitatibus res publica continetur, eodem modo constitutum est, ut non liceat sui commodi causa nocere alteri. Hoc enim spectant leges, hoc volunt, incolumem esse civium coniunctionem, quam qui dirimunt, eos morte exilio, vinclis damno coërcent. Atque hoc multo magis efficit ipsa naturae ratio, quae est lex divina et humana: cui parere qui velit—omnes autem parebunt, qui secundum naturam volent vivere—numquam committet ut alienum appetat et id, quod alteri detraxerit, sibi adsumat. 24. Etenim multo magis est secundum naturam excelsitas animi et magnitudo itemque comitas, iustitia, liberalitas quam voluptas, quam vita, quam divitiae: quae quidem contemnere et pro nihilo ducere comparantem cum utilitate communi magni animi et excelsi est. [Detrahere autem de altero sui commodi causa magis est contra naturam quam mors, quam dolor, quam cetera generis eiusdem.] 25. Itemque magis est secundum naturam pro omnibus gentibus, si fieri possit, conservandis aut iuvandis maximos labores molestiasque suscipere imitantem Herculem illum, quem hominum fama beneficiorum memor in concilio caelestium collocavit, quam vivere in solitudine non modo sine ullis molestiis sed etiam in maximis voluptatibus abundantem omnibus copiis, ut excellas etiam pulchritudine et viribus. Quocirca optimo quisque et splendidissimo ingenio longe illam vitam huic anteponit. Ex quo efficitur hominem naturae oboedientem homini nocere non posse. 26. Deinde qui alterum violat, ut ipse aliquid commodi consequatur, aut nihil existimat se facere contra naturam aut magis fugi[…]

(*b*) by the Laws of particular States.

2dly, it is more becoming the dignity of man's nature to practise the virtues, which are the basis of human society, and to encounter risks for the sake of others, than to seek to do wrong for the sake of some external advantage.

He who acts on opposite principles must be either devoid of moral sense or else deluded.

3 natura et iure *Or Be invitis codd.* || 18 communitas *Z al[…]* *nonnullis codd., cf.* § 118 || 19 *Heusingerus* autem *mutavit in* […] *totum locum* detrahere autem…eiusdem *seclusit Ba ut e* § 21 *inculcatum* […] *suspitionem vocaverat iam Facciolatus* || 33 fugienda *Ba Hein[e]* […] *aliquot codd*, fugiendam *vulgo Lu*

[…]endam censet mortem, paupertatem, dolorem, amissionem liberorum, propinquorum, amicorum, quam facere cuiquam i[…]riam. Si nihil existimat contra naturam fieri hominibus violandis, quid cum eo disseras, qui omnino hominem ex homine tollat? Sin fugiendum id quidem censet, sed multo illa peiora, mortem, paupertatem, dolorem, errat in eo, quod ullum aut corporis aut
VI fortunae vitium vitiis animi gravius existimat. Ergo unum debet esse omnibus propositum; ut eadem sit utilitas unius cuiusque et universorum, quam si ad se quisque rapiet, dissolvetur omnis humana consortio. [27. Atque etiam, si hoc natura praescribit, ut homo homini, quicumque sit, ob eam ipsam causam quod is homo sit, consultum velit, necesse est secundum eandem naturam omnium utilitatem esse communem. Quod si ita est, una continemur omnes et eadem lege naturae, idque ipsum si ita est, certe violare alterum naturae lege prohibemur. 28. Verum autem primum, verum igitur extremum. Nam illud quidem absurdum est, quod quidam dicunt, parenti se aut fratri nihil detracturos sui commodi causa, aliam rationem esse civium reliquorum. Hi sibi nihil iuris, nullam societatem communis utilitatis causa statuunt esse cum civibus, quae sententia omnem societatem distrahit civitatis. Qui autem civium rationem dicunt habendam, externorum negant, ii dirimunt communem humani generis societatem, qua sublata beneficentia liberalitas, bonitas iustitia funditus tollitur. Quae qui tollunt etiam adversus deos inmortales impii iudicandi sunt. Ab iis enim constitutam inter homines societatem evertunt, cuius societatis artissimum vinculum est magis arbitrari esse contra naturam hominem homini detrahere sui commodi causa quam omnia incommoda subire vel externa vel corporis**vel etiam ipsius animi, quae vacent iustitia. Haec enim una virtus omnium est domina et regina virtutum. 29. Forsitan quispiam dixerit: 'Nonne igitur sapiens, si fame ipse conficiatur, abstulerit

Thirdly, all men are subject to the same law of nature, which forbids us to wrong another for our own advantage. This rule applies not only to relations etc. but to all mankind alike. The violation of it is the ruin of all justice, liberality, etc.

Several Cases, in which the interests of the community at large and of individuals are

2 cuipiam *Madvig Lu cum meliore familia codd.*, cuiquam *Ba St Heine* || quae vacent iustitia *St Heine Lu cum codd.*, quae non vacent iustitia

...oppos-...t and re-...

cibum alteri, homini ad nullam rem utili?' Minime vero. Non enim mihi est vita mea ...ilior quam animi talis adfectio, neminem ut violem commodi mei gratia. 'Quid? si Phalarim, crudelem tyrannum et inmanem, vir bonus, ne ipse frigore conficiatur, vestitu spoliare possit, nonne faciat?' Haec ad iudicandum sunt facillima. 30. Nam si quid ab homine ad nullam partem utili utilitatis tuae causa detraxeris, inhumane feceris contraque naturae legem: sin autem is tu sis, qui multam utilitatem rei publicae atque hominum societati, si in vita remaneas, adferre possis, si quid ob eam causam alteri detraxeris, non sit reprehendendum. Sin autem id non sit eius modi, suum cuique incommodum ferendum est potius quam de alterius commodis detrahendum. Non igitur magis est contra naturam morbus aut egestas aut quid eius modi quam detractio atque appetitio alieni, sed communis utilitatis derelictio contra naturam est, est enim iniusta. 31. Itaque lex ipsa naturae, quae utilitatem hominum conservat et continet, decernet profecto, ut ab homine inerti atque inutili ad sapientem, bonum, fortem virum transferantur res ad vivendum necessariae, qui si occiderit, multum de communi utilitate detraxerit—modo hoc ita faciat, ut ne ipse de se bene existimans seseque diligens hanc causam habeat ad iniuriam. Ita semper officio fungetur utilitati consulens hominum et ei, quam saepe commemoro, humanae societati. 32. Nam quod ad Phalarim attinet, perfacile iudicium est. Nulla est enim societas nobis cum tyrannis, et potius summa distractio est, neque est contra naturam spoliare eum, si possis, quem est honestum necare, atque hoc omne genus pestiferum atque impium ex hominum communitate exterminandum est. Etenim ut membra quaedam amputantur, si et ipsa sanguine et tamquam spiritu carere coeperunt, et nocent reliquis partibus

First Case considered and determined.

Second Case considered and determined.

Bonnell Or, quae vacent iniustitia *Ba Z auctore Ubaldino.* ‖ 2 *verba* minime vero...mei gratia *ut repugnantia iis quae* § 30 *dicuntur cum Ungero seclusit Ba probante Heine* ‖ 16 aut appetitio *St cum aliquot bonis codd.* ‖ 27 sed potius *Or contra codd.*

corporis, sic ista in figura hominis feritas et inmanitas beluae a communi tamquam humanitatis corpore segreganda est. Huius generis quaestiones sunt omnes eae, in quibus ex tempore officium exquiritur.

VII 33. Eius modi igitur credo res Panaetium persecuturum fuisse, nisi aliqui casus aut occupatio eius consilium peremisset. Ad quas ipsas consultationes ex superioribus libris satis multa praecepta sunt, quibus perspici possit quid sit propter turpitudinem fugiendum, quid sit quod idcirco fugiendum non sit, quod omnino turpe non sit. Sed quoniam operi inchoato, prope tamen absoluto, tamquam fastigium imponimus, ut geometrae solent non omnia docere, sed postulare ut quaedam sibi concedantur, quo facilius quae volunt explicent, sic ego a te postulo, mi Cicero, ut mihi concedas, si potes, nihil praeter id, quod honestum sit, propter se esse expetendum. Sin hoc non licet per Cratippum, at illud certe dabis, quod honestum sit, id esse maxume propter se expetendum. Mihi utrumvis satis est, et tum hoc tum illud probabilius videtur nec praeterea quicquam probabile. 34. Ac primum in hoc Panaetius defendendus est, quod non utilia cum honestis pugnare aliquando posse dixerit—neque enim ei fas erat—, sed ea, quae viderentur utilia. Nihil vero utile quod non idem honestum, nihil honestum quod non idem utile sit, saepe testatur negatque ullam pestem maiorem in vitam hominum invasisse quam eorum opinionem, qui ista distraxerint. Itaque non ut aliquando anteponeremus utilia honestis, sed ut ea sine errore diiudicaremus, si quando incidissent, induxit eam, quae videretur esse, non quae esset, repugnan-

Such are the kind of subjects which PANAETIUS intended to have discussed in his treatise on moral obligations. CICERO professes his design to finish what that Philosopher left imperfect.

He commences with the Postulate that *Honestum* is the only or at least the chief Good, it being immaterial, for his present purpose at least, whether the Stoic or the Peripatetic dogma be assumed to be true.

Vindication of PANAETIUS who meant a conflict between seeming Expediency and Moral Rectitude.

2 communi humanitate corporis *codd., quae lectio, ut monuit Or, stupori librariorum debebetur;* humanitatis corpore *unus codex Gu* 3 *ut voluerat Muretus: vulgatum servat St,* communis *pro* communi *posito; vide nott. exeget.* ‖ 31 eam (*sc. repugnantiam*) sine errore diiudicaremus, si quando incidisset *Unger Heine Lund*

tiam. Hanc igitur partem relictam explebimus nullis adminiculis, sed, ut dicitur, Marte nostro. Neque enim quicquam est de hac parte post Panaetium explicatum, quod quidem mihi probaretur, de iis quae in manus meas venerint.

Proof that what is morally wrong cannot be really expedient, and whatever is right must also be expedient.

VIII 35. Cum igitur aliqua species utilitatis obiecta est, commoveri necesse est. Sed si, cum animum attenderis, turpitudinem videas adiunctam ei rei, quae speciem utilitatis attulerit, tum non utilitas relinquenda est, sed intellegendum, ubi turpitudo sit, ibi utilitatem esse non posse. Quod si nihil est tam contra naturam quam turpitudo—recta enim et convenientia et constantia natura desiderat aspernaturque contraria—nihilque tam secundum naturam quam utilitas, certe in eadem re utilitas et turpitudo esse non potest. Itemque, si ad honestatem nati sumus eaque aut sola expetenda est, ut Zenoni visum est, aut certe omni pondere gravior habenda quam reliqua omnia, quod Aristoteli placet, necesse est, quod honestum sit, id esse aut solum aut summum bonum: quod autem bonum, id certe utile, ita, quidquid honestum, id utile.

Mischievous effects of the contrary sentiment.

36. Qua re error hominum non proborum, cum aliquid, quod utile visum est, arripuit, id continuo secernit ab honesto. Hinc sicae, hinc venena, hinc falsa testamenta nascuntur, hinc furta peculatus, expilationes direptionesque sociorum et civium, hinc opum nimiarum, potentiae non ferendae, postremo etiam in liberis civitatibus regnandi existunt cupiditates, quibus nihil nec taetrius nec foedius excogitari potest. Emolumenta enim rerum fallacibus iudiciis vident, poenam non dico legum, quam saepe perrumpunt, sed ipsius turpitudinis, quae acerbissima est, non vident. 37. Quam ob rem hoc quidem deliberantium genus pellatur e medio—est enim totum sceleratum et impium—, qui deliberant utrum id sequantur, quod honestum esse videant, an se scientes scelere contaminent; in ipsa enim dubitatione

When an action is certainly wrong, it is criminal even to deliberate whether we shall do it or not, whatever seeming profit it may bring along with it, in the hope of concealment that so we may do it with impunity.

29 quam *Ba Heine Lu St cum codd.*, quas *Or: male*, '*cum leges perrumpuntur, perrumpitur etiam poena legibus constituta*' *Z. Confert Baiterus Orat. Part.* § 112 perrumpere periculum; *Verr.* I § 13 quaestiones perrumpere

facinus inest, etiam si ad id non pervenerint. Ergo ea deliberanda omnino non sunt, in quibus est turpis ipsa deliberatio. Atque etiam ex omni deliberatione celandi et occultandi spes opinioque removenda est: satis enim nobis, si modo in philosophia aliquid profecimus, persuasum esse debet, si omnes deos hominesque celare possimus nihil tamen avare nihil iniuste, nihil libidinose
IX nihil incontinenter esse faciendum. 38. Hinc ille Gyges inducitur a Platone, qui, cum terra discessisset magnis quibusdam imbribus, descendit in illum hiatum aëneumque equum, ut ferunt fabulae, animadvertit, cuius in lateribus fores essent: quibus apertis corpus hominis mortui vidit magnitudine inusitata anulumque aureum in digito, quem ut detraxit, ipse induit—erat autem regius pastor—, tum in concilium se pastorum recepit. Ibi cum palam eius anuli ad palmam converterat, a nullo videbatur, ipse autem omnia videbat: idem rursus videbatur, cum in locum anulum inverterat. Itaque hac opportunitate anuli usus reginae stuprum intulit eaque adiutrice regem dominum interemit, sustulit quos obstare arbitrabatur, nec in his eum facinoribus quisquam potuit videre. Sic repente anuli beneficio rex exortus est Lydiae. Hunc igitur ipsum anulum si habeat sapiens, nihil plus sibi licere putet peccare, quam si non haberet. Honesta enim bonis viris, non occulta quaeruntur. 39. Atque hoc loco philosophi quidam, minime mali illi quidem sed non satis acuti, fictam et commenticiam fabulam prolatam dicunt a Platone, quasi vero ille aut factum id esse aut fieri potuisse defendat. Haec est vis huius anuli et huius exempli: si nemo sciturus, nemo ne suspicaturus quidem sit, cum aliquid divitiarum potentiae, dominationis libidinis causa feceris, si id dis hominibusque futurum sit semper ignotum, sisne facturus? Negant id fieri posse. Nequaquam potest id

Story of GYGES and his Ring.

14 invisitata *Ba Heine cum duobus codd.* ‖ 24 nihilo plus *Ba Heine Lu cum uno cod.* ‖ *verba* peccare quam si non haberet *secluserunt Ba Lu auctore Madvigio* ‖ 33 nequaquam *Facc. Ern. Ba Heine post Manutium*, quamquam *Or St Zu Lu cum codd.*

quidem. Sed quaero, quod negant posse, id si posset, quidnam facerent? Urguent rustice sane. Negant enim posse et in eo perstant, hoc verbum quid valeat non vident. Cum enim quaerimus, si celare possint, quid facturi sint, non quaerimus, possintne celare, sed tamquam tormenta quaedam adhibemus, ut, si responderint se impunitate proposita facturos quod expediat, facinorosos se esse fateantur; si negent, omnia turpia per se ipsa fugienda esse concedant. Sed iam ad propositum revertamur. ✓

X There are some perplexing Cases wherein men doubt, whether a seemingly expedient action be morally right or not.

40. Incidunt multae saepe causae, quae conturbent animos utilitatis specie, non, cum hoc deliberatur, relinquendane sit honestas propter utilitatis magnitudinem—nam id quidem improbum est—, sed illud, possitne id, quod utile videatur, fieri non turpiter. Cum Collatino collegae Brutus imperium abrogabat, poterat videri facere id iniuste: fuerat enim in regibus expellendis socius Bruti consiliorum et adiutor. Cum autem consilium hoc principes cepissent, cognationem Superbi nomenque Tarquiniorum et memoriam regni esse tollendam, quod erat utile, patriae consulere, id erat ita honestum, ut etiam ipsi Collatino placere deberet. Itaque utilitas valuit propter honestatem, sine qua ne utilitas quidem esse potuisset. 41. At in eo rege, qui urbem condidit, non item. Species enim utilitatis animum pepulit eius; cui cum visum esset utilius solum quam cum altero regnare, fratrem interemit. Omisit hic et pietatem et humanitatem, ut id, quod utile videbatur neque erat, assequi posset, et tamen muri causam opposuit, speciem honestatis nec probabilem nec sane idoneam. 42. Peccavit igitur, pace vel Quirini vel Romuli dixerim. Nec tamen nostrae nobis utilitates omittendae sunt aliisque tradendae, cum iis ipsi egeamus, sed suae cuique utilitati, quod sine alterius iniuria fiat, serviendum est. Scite

The Desire of Honour, Empire, etc. may blind men's eyes, and make them hesitate about the justice of an action, as in the case of BRUTUS banishing COLLATINUS,

or else cause them to act contrary to justice and natural affection, as ROMULUS did, when he murdered his brother.

12 deliberetur *vulgo*, deliberatur *Heumann, Heine* || 31 neque probabilem *Or contra codd.* || 35 quoad sine *Halmius coll.* § 43 l. 20

Men are to take care of their own interests, provided that they can do so without prejudice to others.

Apt observation of CHRYSIPPUS to this effect.

Chrysippus, ut multa: 'Qui stadium' inquit 'currit, eniti et contendere debet quam maxume possit ut vincat, supplantare eum, quicum certet, aut manu depellere nullo modo debet: sic in vita sibi quemque petere quod pertineat ad usum non iniquum est, alteri deripere ius non est.'

Again, Love of Friends may sometimes cause men to swerve from their Duty.

RULE: Never prefer what seems profitable, such as Riches, Pleasure, to the obligations of Friendship; and never serve a friend to the injury of the public, the breach of one's oath, or other solemn engagement.

43. Maxume autem perturbantur officia in amicitiis, quibus et non tribuere quod recte possis et tribuere quod non sit aequum contra officium est. Sed huius generis totius breve et non difficile praeceptum est. Quae enim videntur utilia, honores, divitiae, voluptates, cetera generis eiusdem, haec amicitiae numquam anteponenda sunt. At neque contra rem publicam neque contra ius iurandum ac fidem amici causa vir bonus faciet, ne si iudex quidem erit de ipso amico. Ponit enim personam amici cum induit iudicis. Tantum dabit amicitiae, ut veram amici causam esse malit, ut orandae litis tempus, quoad per leges liceat, accommodet. 44. Cum vero iurato sententia dicenda erit, meminerit deum se adhibere testem, id est, ut ego arbitror, mentem suam, qua nihil homini dedit deus ipse divinius. Itaque praeclarum a maioribus accepimus morem rogandi iudicis, si eum teneremus, QVAE SALVA FIDE FACERE POSSIT. Haec rogatio ad ea pertinet, quae paullo ante dixi honeste amico a iudice posse concedi. Nam si omnia facienda sint, quae amici velint, non amicitiae tales sed coniurationes putandae sint. 45. Loquor autem de communibus amicitiis: nam in sapientibus viris perfectisque nihil potest esse tale. Damonem et Phintiam Pythagoreos ferunt hoc animo inter se fuisse, ut, cum eorum alteri Dionysius tyrannus diem necis destinavisset et is, qui morti addictus esset, paucos sibi dies com-

The friendship between DAMO and PHINTIAS.

1 ut multa. Ut qui *St e cod. Bern. c* || 21 dicenda est *Ba auctore Lund*; dicenda sit *Be Z Or cum codd.*; dicenda erit *Heine* || 26 posset *Or cum aliquot codd.*

mendandorum suorum causa postulavisset, vas factus sit alter eius sistendi, ut, si ille non revertisset, moriendum esset ipsi. Qui cum ad diem se recepisset, admiratus eorum fidem tyrannus petivit, ut se ad amicitiam tertium ascriberent. 46. Cum igitur id, quod utile videtur in amicitia, cum eo, quod honestum est, comparatur, iaceat utilitatis species, valeat honestas. Cum autem in amicitia, quae honesta non sunt, postulabuntur, religio et fides anteponatur amicitiae. Sic habebitur is, quem exquirimus, dilectus officii.

XI

Political Communities especially have been often drawn to what is bad by the appearance of profit. Instances.

Sed utilitatis specie in republica saepissime peccatur, ut in Corinthi disturbatione nostri: durius etiam Athenienses, qui sciverunt ut Aeginetis, qui classe valebant, pollices praeciderentur. Hoc visum est utile: nimis enim imminebat propter propinquitatem Aegina Piraeeo. Sed nihil quod crudele utile: est enim hominum naturae, quam sequi debemus, maxime inimica crudelitas. 47. Male etiam qui peregrinos urbibus uti prohibent eosque exterminant, ut Pennus apud patres nostros, Papius nuper. Nam esse pro cive, qui civis non sit, rectum est non licere, quam legem tulerunt sapientissimi consules Crassus et Scaevola: usu vero urbis prohibere peregrinos sane inhumanum est. Illa praeclara, in quibus publicae utilitatis species prae honestate contemnitur. Plena exemplorum est nostra res publica cum saepe tum maxime bello Punico secundo, quae Cannensi calamitate accepta maiores animos habuit quam umquam rebus secundis: nulla timoris significatio, nulla mentio pacis. Tanta vis est honesti, ut speciem utilitatis obscuret. [48. Athenienses cum Persarum impetum nullo modo possent sustinere statuerentque ut urbe relicta, coniugibus et liberis Troezene depositis, naves conscenderent libertatemque Graeciae classe defenderent, Cyrsilum quendam suadentem, ut in urbe manerent Xerxemque

Examples of the contrary, where the appearance of profit is sacrificed to duty.

1 factus est *codd. quod servavit St plene interpuncto post verba* inter se fuisse; factus sit *Or Ba Heine Lu post Manutium* || 18 Fannius *St ex Beieri coni.* || 25 saepe alias *Or, conf.* II § 20 III § 86 *et vide Madvig Opusc. Acad.* I *p.* 339, saepe *Ba Heine Lu Zu*

reciperent, lapidibus cooperuerunt. Atque ille utilitatem sequi videbatur, sed ea nulla erat repugnante honestate. 49. Themistocles post victoriam eius belli, quod cum Persis fuit, dixit in contione se habere consilium rei publicae salutare, sed id sciri non opus esse: postulavit ut aliquem populus daret, quicum communicaret. Datus est Aristides. Huic ille, classem Lacedaemoniorum, quae subducta esset ad Gytheum, clam incendi posse, quo facto frangi Lacedaemoniorum opes necesse esset. Quod Aristides cum audisset, in contionem magna exspectatione venit dixitque perutile esse consilium, quod Themistocles adferret, sed minime honestum. Itaque Athenienses, quod honestum non esset, id ne utile quidem putaverunt totamque eam rem, quam ne audierant quidem, auctore Aristide repudiaverunt. Melius hi quam nos, qui piratas inmunes, socios vectigales habemus.]

XII

PARTICULAR CONCLUSIONS: A. Where Craft, assuming the guise of Wisdom, brings Expediency into seeming collision with Justice.

CH. XII—XXV

Cases of reticence, in which honest men doubt, as of concealment of something for selfish purposes by the Seller, which it would be for the interest of the Buyer to know.

Maneat ergo, quod turpe sit, id numquam esse utile, ne tum quidem, cum id quod utile esse putes adipiscare: hoc enim ipsum, utile putare quod turpe sit, calamitosum est. 50. Sed incidunt, ut supra dixi, saepe causae, cum repugnare utilitas honestati videatur, ut animadvertendum sit repugnetne plane an possit cum honestate coniungi. Eius generis hae sunt quaestiones: Si exempli gratia vir bonus Alexandrea Rhodum magnum frumenti numerum advexerit in Rhodiorum inopia et fame summaque annonae caritate, si idem sciat complures mercatores Alexandrea solvisse navesque in cursu frumento onustas petentes Rhodum viderit, dicturusne sit id Rhodiis an silentio suum quam plurimo venditurus? Sapientem et bonum virum fingimus: de eius deliberatione et consultatione quaerimus, qui celaturus Rhodios non sit, si id turpe iudicet, sed dubitet an turpe non sit. 51. In huius modi causis aliud Diogeni Babylonio videri solet, magno et gravi Stoico, aliud Antipatro,

Difference of opinion between DIOGENES of BABY-

1 obruerunt *Ba Heine Lu cum aliquot codd.*, cooperuerunt *Or St, conf. Verr. Act.* I, 46, 119 || atqui *Z Heine contra codd.*

LONIA and ANTIPATER respecting the duty of honest men in such cases, illustrated by the example of the Alexandrian merchant,

discipulo eius, homini acutissimo: Antipatro omnia patefacienda, ut ne quid omnino, quod venditor norit, emptor ignoret; Diogeni venditorem, quatenus iure civili constitutum sit, dicere vitia oportere, cetera sine insidiis agere et, quoniam vendat, velle quam optume vendere. 'Advexi, exposui, vendo meum non pluris quam ceteri, fortasse etiam minoris, cum maior est copia: cui fit iniuria?' 52. Exoritur Antipatri ratio ex altera parte: 'Quid ais? tu, cum hominibus consulere debeas et servire humanae societati eaque lege natus sis et ea habeas principia naturae, quibus parere et quae sequi debeas, ut utilitas tua communis sit utilitas vicissimque communis utilitas tua sit, celabis homines quid iis adsit commoditatis et copiae?' Respondebit Diogenes fortasse sic: 'Aliud est celare, aliud tacere, neque ego nunc te celo, si tibi non dico quae natura deorum sit, qui sit finis bonorum, quae tibi plus prodessent cognita quam tritici vilitas. Sed non quidquid tibi audire utile est, id mihi dicere necesse est.'— 53. 'Immo vero' inquiet ille 'necesse est, si quidem meministi esse inter homines natura coniunctam societatem.'—'Memini' inquiet ille, 'sed num ista societas talis est, ut nihil suum cuiusque sit? Quod si ita est, ne vendundum quidem quicquam est, sed donandum.'

(Their arguments *pro* and *con* in this case)

XIII Vides in hac tota disceptatione non illud dici 'Quamvis hoc turpe sit, tamen, quoniam expedit, faciam;' sed ita expedire, ut turpe non sit; ex altera autem parte, ea re, quia turpe sit, non esse faciendum.]54. Vendat aedes vir bonus propter aliqua vitia, quae ipse norit, ceteri ignorent, pestilentes sint et habeantur salubres, ignoretur in omnibus cubiculis apparere serpentes, male materiatae *sint*, ruinosae,—sed hoc praeter dominum nemo sciat: quaero, si haec emptoribus venditor non dixerit aedesque vendiderit pluris multo quam se venditurum putarit, num id iniuste aut improbe fecerit? 'Ille

and by that of the Vendor of a house who conceals some of its defects from the Purchaser.

19 *verba* immo vero inquiet ille necesse est *desunt in opt. codd., seclusit Ba* || 21 cuiusquam *Z Or cum aliquot codd. 'Quod si Cicero dicere voluisset, aut* nihil cuiusquam *omisso* suum *aut* nihil cuiusquam suum *dixisset.' St* || 30 sint *abest a codd.* || 33 id *om. Or Z cum bonis codd.*

(Their arguments *pro* and *con* in this case.)

vero' inquit Antipater. 55. 'Quid est enim aliud erranti viam non monstrare, quod Athenis execrationibus publicis sanctum est, si hoc non est, emptorem pati ruere et per errorem in maximam fraudem incurrere? Plus etiam est quam viam non monstrare: nam est scientem in errorem alterum inducere.' Diogenes contra: 'Num te emere coëgit, qui ne hortatus quidem est? ille quod non placebat proscripsit, tu quod placebat emisti. Quod si qui proscribunt: VILLAM BONAM BENEQVE AEDIFICATAM, non existimantur fefellisse, etiamsi illa nec bona est nec aedificata ratione, multo minus qui domum non laudarunt. Ubi enim iudicium emptoris est, ibi fraus venditoris quae potest esse? Sin autem dictum non omne praestandum est, quod dictum non est, id praestandum putas? Quid vero est stultius quam venditorem eius rei, quam vendat, vitia narrare? quid autem tam absurdum quam si domini iussu ita praeco praedicet: DOMVM PESTILENTEM VENDO?' 56. Sic ergo in quibusdam causis dubiis ex altera parte defenditur honestas, ex altera ita de utilitate dicitur, ut id, quod utile videatur, non modo facere honestum sit, sed etiam non facere turpe. Haec est illa quae videtur utilium fieri cum honestis saepe dissensio. Quae diiudicanda sunt: non enim, ut quaereremus, exposuimus, sed ut explicaremus. 57. Non igitur videtur nec frumentarius ille Rhodios nec hic aedium venditor celare emptores debuisse. Neque enim id est celare, quidquid reticeas, sed cum, quod tu scias, id ignorare emolumenti tui causa velis eos, quorum intersit id scire. Hoc autem celandi genus quale sit et cuius hominis, quis non videt? Certe non aperti non simplicis, non ingenui non iusti, non viri boni, versuti potius obscuri, astuti fallacis, malitiosi callidi, veteratoris vafri. Haec tot et alia plura nonne inutile est vitiorum subire nomina?

Statement of CICERO's own decision of the two Cases.

XIV

Cases of downright falsehood, as in the fraud practised upon CANIUS a Roman knight by PYTHIUS, a

58. Quod si vituperandi qui reticuerunt, quid de iis existimandum est, qui orationis vanitatem adhibuerunt? C. Canius eques Romanus, nec infacetus et satis litteratus, cum se

14 [est] stultius *Or*

banker of Syracuse,

Syracusas otiandi, ut ipse dicere solebat, non negotiandi causa contulisset, dictitabat se hortulos aliquos emere velle, quo invitare amicos et ubi se oblectare sine interpellatoribus posset. Quod cum percrebruisset, Pythius ei quidam, qui argentariam faceret Syracusis, venales quidem se hortos non habere, sed licere uti Canio, si vellet, ut suis, et simul ad cenam hominem in hortos invitavit in posterum diem. Cum ille promisisset, tum Pythius, qui esset ut argentarius apud omnes ordines gratiosus, piscatores ad se convocavit et ab iis petivit, ut ante suos hortulos postridie piscarentur, dixitque quid eos facere vellet. Ad cenam temperi venit Canius: opipare a Pythio adparatum convivium, cumbarum ante oculos multitudo; pro se quisque quod ceperat, adferebat; ante pedes Pythii pisces abiciebantur. 59. Tum Canius: 'Quaeso' inquit 'quid est hoc, Pythi? tantumne piscium? tantumne cumbarum?' Et ille 'Quid mirum?' inquit 'hoc loco est Syracusis quidquid est piscium, hic aquatio, hac villa isti carere non possunt.' Incensus Canius cupiditate contendit a Pythio ut venderet. Gravate ille primo. Quid multa? impetrat. Emit homo cupidus et locuples tanti, quanti Pythius voluit, et emit instructos. Nomina facit, negotium conficit. Invitat Canius postridie familiares suos, venit ipse mature, scalmum nullum videt. Quaerit ex proximo vicino num feriae quaedam piscatorum essent, quod eos nullos videret? 'Nullae, quod sciam' inquit 'sed hic piscari nulli solent: itaque heri mirabar quid accidisset.' 60. Stomachari Canius: sed quid faceret? Nondum enim C. Aquilius collega et familiaris meus protulerat de dolo malo formulas: in quibus ipsis cum ex eo quaereretur quid esset dolus malus, respondebat, cum esset aliud simulatum, aliud actum. Hoc quidem sane luculente, ut ab homine perito definiendi. Ergo et Pythius et omnes aliud agentes, aliud simulantes perfidi, improbi, malitiosi. Nullum igitur eorum factum potest utile esse, cum sit tot vitiis inquinatum.

which was even criminal according to AQUILIUS' definition of *dolus malus*, so that the perpetrator of it would now-a-days have been amenable to justice.

XV Deduction from AQUILIUS' definition.

61. Quodsi Aquiliana definitio vera est, ex omni vita simulatio dissimulatioque tollenda est.

General and special provisions of roman law against *dolus malus* show the importance attached by our ancestors to strict honour in Contracts and Bargains.

Ita nec ut emat melius nec ut vendat, quicquam simulabit aut dissimulabit vir bonus. Atque iste dolus malus et legibus erat vindicatus, ut in tutela duodecim tabulis, circumscriptio adulescentium lege Plaetoria, et sine lege iudiciis, in quibus additur EX FIDE BONA. Reliquorum autem iudiciorum haec verba maxime excellunt: in arbitrio rei uxoriae MELIVS AEQVIVS, in fiducia VT INTER BONOS BENE AGIER. Quid ergo? aut in eo, QVOD MELIVS AEQVIVS, potest ulla pars inesse fraudis? aut, cum dicitur INTER BONOS BENE AGIER, quicquam agi dolose aut malitiose potest? Dolus autem malus in simulatione, ut ait Aquilius, continetur. Tollendum est igitur ex rebus contrahendis omne mendacium. Non inlicitatorem venditor, non qui contra se liceatur emptor apponet. Uterque, si ad eloquendum venerit, non plus quam semel eloquetur. 62. Q. quidem Scaevola Publi filius, cum postulasset ut sibi fundus, cuius emptor erat, semel indicaretur idque venditor ita fecisset, dixit se pluris aestimare: addidit centum milia. Nemo est qui hoc viri boni fuisse neget; sapientis negant, ut si minoris quam potuisset vendidisset. Haec igitur est illa pernicies, quod alios bonos, alios sapientes existimant. Ex quo Ennius '*nequiquam sapere sapientem, qui ipse sibi prodesse non quiret.*' Vere id quidem, si quid esset '*prodesse*' mihi cum Ennio conveniret. 63. Hecatonem quidem Rhodium, discipulum Panaetii, video in iis libris, quos de officio scripsit Q. Tuberoni, dicere '*sapientis esse nihil contra mores, leges, instituta facientem habere rationem rei familiaris. Neque enim solum nobis divites esse volumus, sed liberis, propinquis, amicis maximeque rei publicae. Singulorum enim facultates et copiae divitiae sunt civitatis.*' Huic Scaevolae factum, de quo paullo ante dixi, placere nullo modo potest. Etenim omnino tantum se negat fac-

A rare instance of honourable conduct in SCAEVOLA,

which would not have been appreciated by those who, like ENNIUS and HECATO, are content with a low standard of moral conduct.

14 contra se liceatur *Ba Heine cum plerisque codd.*, contra liceatur *Or*, contra reliceatur *Z St Lu ex uno cod. Bern. c.* || 18 ita fecisset *Ba Heine Lu cum codd.*, fecisset *alii* || 27 officio *Ba St Heine Lu cum optimis codd.*, officiis *Or Z* || 33 etenim qui...non liceat, huic *Or Beier*

turum compendii sui causa, quod non liceat. Huic nec laus magna tribuenda nec gratia est. 64. Sed sive et simulatio et dissimulatio dolus malus est, perpaucae res sunt, in quibus non dolus malus iste versetur; sive vir bonus est is, qui prodest quibus potest, nocet nemini, certe istum virum bonum non facile reperimus. Numquam est igitur utile peccare, quia semper est turpe, et quia semper est honestum virum bonum esse, semper est utile.

XVI

Several examples illustrating the effect of the roman Laws against fraudulent dealing, especially in the Sale of Lands, Houses and the like.

65. Ac de iure quidem praediorum sanctum apud nos est iure civili, ut in iis vendendis vitia dicerentur, quae nota essent venditori. Nam cum ex duodecim tabulis satis esset ea praestari, quae essent lingua nuncupata, quae qui infitiatus esset, dupli poenam subiret, a iuris consultis etiam reticentiae poena est constituta. Quidquid enim esset in praedio vitii, id statuerunt, si venditor sciret, nisi nominatim dictum esset, praestari oportere. 66. Ut, cum in arce augurium augures acturi essent iussissentque Ti. Claudium Centumalum, qui aedes in Caelio monte habebat, demoliri ea, quorum altitudo officeret auspiciis, Claudius proscripsit insulam, vendidit; emit P. Calpurnius Lanarius. Huic ab auguribus illud idem denuntiatum est. Itaque Calpurnius cum demolitus esset cognossetque Claudium aedes postea proscripsisse, quam esset ab auguribus demoliri iussus, arbitrum illum adegit, QVIDQVID SIBI DARE FACERE OPORTERET EX FIDE BONA. M. Cato sententiam dixit, huius nostri Catonis pater. Ut enim ceteri ex patribus, sic hic, qui illud lumen progenuit, ex filio est nominandus. Is igitur iudex ita pronuntiavit, 'cum in vendundo rem eam scisset et non pronuntiasset, emptori damnum praestari oportere.' 67. Ergo ad fidem bonam statuit pertinere notum esse emptori vitium, quod nosset venditor. Quod si recte iudicavit, non recte frumentarius ille,

Case of T. C. CENTUMALUS.

Verdict of M. CATO on this case.

5 recte *St cum codd., idem* virum iustum *cum plerisque codd.*, certe *ex Lambini coni. Ba Heine Lu plerique edd.* || 12 tabulis *om. H Be contra codd.* || 22 vendidit *om. Ba auctore Cobeto, uncis secluserunt Heine Lu*

non recte aedium pestilentium venditor tacuit. Sed huiusmodi reticentiae iure civili omnes comprehendi non possunt: quae autem possunt, diligenter tenentur. M. Marius Gratidianus, propinquus noster, C. Sergio Oratae vendiderat aedes eas, quas ab eodem ipse paucis ante annis emerat. Eae [Sergio] serviebant, sed hoc in mancipio Marius non dixerat. Adducta res in iudicium est. Oratam Crassus, Gratidianum defendebat Antonius. Ius Crassus urguebat, 'quod vitii venditor non dixisset sciens, id oportere praestari,' aequitatem Antonius, 'quoniam id vitium ignotum Sergio non fuisset, qui illas aedes vendidisset, nihil fuisse necesse dici nec eum esse deceptum, qui id, quod emerat, quo iure esset teneret.' 68. Quorsus haec? ut illud intellegas, non placuisse maioribus nostris astutos.

Another case of reticence, that of M. MARIUS GRATIDIANUS. Difference of opinion between CRASSUS and ANTONIUS on this Case.

XVII

Moral Philosophy goes farther than Jurisprudence, which is confined in its operation to that which is material and objective.

Sed aliter leges, aliter philosophi tollunt astutias: leges, quatenus manu tenere possunt, philosophi, quatenus ratione et intellegentia. Ratio ergo hoc postulat, ne quid insidiose, ne quid simulate, ne quid fallaciter. Suntne igitur insidiae tendere plagas, etiam si excitaturus non sis nec agitaturus? ipsae enim ferae nullo insequente saepe incidunt. Sic tu aedes proscribas, tabulam tamquam plagam ponas [domum propter vitia vendas], in eam aliquis incurrat imprudens? 69. Hoc quamquam video propter depravationem consuetudinis neque more turpe haberi neque aut lege sanciri aut iure civili, tamen naturae lege sanctum est. Societas est enim—quod etsi saepe dictum est, dicendum est tamen saepius—latissime quidem quae pateat, omnium inter omnes, interior eorum, qui eiusdem gentis sunt, propior eorum, qui eiusdem civitatis. Itaque maiores aliud ius gentium, aliud ius civile esse voluerunt: quod civile, non idem continuo

Distinction between positive Law or the Law of the community (*jus civile*) and the Law of Nature (*jus gen-*

6 eae serviebant *Ba Be Heine post Heusingerum coll. Cic. de orat. I* § 178, *de leg. agr. III* § 9, eae ergo serviebant *St ex coni.* || 17 teneri *Heine contra codd.* || 23 plagas *vulgo contra codd.* || 24 *verba* domum propter vitia vendas *seclusi cum Ba Heine Lu auctore Ungero*

tium): the latter is the Groundwork of the former, which is only a Copy and faint representation of it: the latter considers men as they ought to be, the former as they are.

Excellence of the roman civil Law.

Examples of roman Rules of Law for the prevention of Fraud.

gentium, quod autem gentium, idem civile esse debet. Sed nos veri iuris germanaeque iustitiae solidam et expressam effigiem nullam tenemus, umbra et imaginibus utimur. Eas ipsas utinam sequeremur! feruntur enim ex optimis naturae et veritatis exemplis. 70. Nam quanti verba illa: VTI NE PROPTER TE FIDEMVE TVAM CAPTVS FRAVDATVSVE SIM! quam illa aurea: VT INTER BONOS BENE AGIER OPORTET ET SINE FRAVDATIONE! Sed qui sint 'boni' et quid sit 'bene agi' magna quaestio est. Q. quidem Scaevola, pontifex maximus, summam vim esse dicebat in omnibus iis arbitriis, in quibus adderetur EX FIDE BONA, fideique bonae nomen existimabat manare latissime, idque versari in tutelis societatibus, fiduciis mandatis, rebus emptis venditis, conductis locatis, quibus vitae societas contineretur: in iis magni esse iudicis statuere, praesertim cum in plerisque essent iudicia contraria, quid quemque cuique praestare oporteret. 71. Quocirca astutiae tollendae sunt eaque malitia, quae volt illa quidem videri se esse prudentiam, sed abest ab ea distatque plurimum. Prudentia est enim locata in dilectu bonorum et malorum, malitia, si omnia, quae turpia sunt, mala sunt, mala bonis ponit ante. Nec vero in praediis solum ius civile ductum a natura malitiam fraudemque vindicat, sed etiam in mancipiorum venditione venditoris fraus omnis excluditur. Qui enim scire debuit de sanitate, de fuga, de furtis, praestat edicto aedilium. Heredum alia causa est. 72. Ex quo intellegitur, quoniam iuris natura fons sit, hoc secundum naturam esse, neminem id agere ut ex alterius praedetur inscitia. Nec ulla pernicies vitae maior inveniri potest quam in malitia simulatio intellegentiae, ex quo ista innumerabilia nascuntur, ut utilia cum honestis pugnare videantur. Quotus enim

DEDUCTION
It is a Law of Nature, that we are not to take advantage of another man's ignorance. There is no greater source of mischief than Craft which wears the mask of Wisdom.

9 et *suadente Orellio extra formulam posuit St* || 21 delectu *Or*, dilectu *Ba*; '*aut* in delectu bonorum *aut* in dilectu bonorum et malorum *dicendum esse apparet.*' *St*.

quisque reperietur, qui inpunitate et ignoratione omnium proposita abstinere possit iniuria?

XVIII

The worst cases of crime do not fall within the scope of a Treatise on Morals: which deals with the Actions of respectable Men, *i.e.* men who pass in society for such.

One cause of Immorality is the Desire of Money.

A good man will not imitate such conduct as that of M. CRASSUS and Q. HORTENSIUS about the will of L. MINUCIUS BASILUS.

73. Periclitemur, si placet, et in iis quidem exemplis, in quibus peccari volgus hominum fortasse non putet. Neque enim de sicariis veneficis, testamentariis furibus peculatoribus hoc loco disserendum est, qui non verbis sunt et disputatione philosophorum sed vinclis et carcere fatigandi, sed haec consideremus, quae faciunt ii qui habentur boni. L. Minucii Basili, locupletis hominis, falsum testamentum quidam e Graecia Romam attulerunt. Quod quo facilius obtinerent, scripserunt heredes secum M. Crassum et Q. Hortensium, homines eiusdem aetatis potentissimos: qui cum illud falsum esse suspicarentur, sibi autem nullius essent conscii culpae, alieni facinoris munusculum non repudiaverunt. Quid ergo? satin est hoc, ut non deliquisse videantur? Mihi quidem non videtur, quamquam alterum vivum amavi, alterum non odi mortuum. 74. Sed cum Basilus M. Satrium sororis filium nomen suum ferre voluisset eumque fecisset heredem—hunc dico patronum agri Piceni et Sabini, o turpem notam temporum!—, non erat aequum principes cives rem habere, ad Satrium nihil praeter nomen pervenire. Etenim si is, qui non defendit iniuriam neque propulsat, cum potest, iniuste facit, ut in primo libro disserui, qualis habendus est is, qui non modo non repellit, sed etiam adiuvat iniuriam? Mihi quidem etiam verae hereditates non honestae videntur, si sunt malitiosis blanditiis, officiorum non veritate, sed simulatione quaesitae. Atqui in talibus rebus aliud utile interdum, aliud honestum videri solet. 75. Falso; nam eadem utilitatis quae honestatis est

This was more unjust than the mere allowing a wrong, when you can prevent it. No plea of expediency can ever justify intrigues for supplanting the rightful heir.

22 o turpem notam temporum nomen illorum *codd.; verba* nomen illorum *del. Heine Lu post Victorium* || 23 non *ex codd. Ba St*, num *Or Be* || 25 propulsat a suis *St cum codd.*, a suis *om. Or Ba Heine Lu cum uno cod. Bern. d.*

regula. Qui hoc non perviderit, ab hoc nulla fraus aberit, nullum facinus. Sic enim cogitans: 'est istuc quidem honestum, verum hoc expedit,' res a natura copulatas audebit errore divellere, qui fons est fraudium, maleficiorum, scelerum omnium.

XIX

Character of a truly good man. He will not choose to take advantage of opportunities of Fraud and Concealment: he will never separate Justice and Expediency, nor entertain a thought which he would not dare to speak openly. Nature forbids the union of Expediency and Wrong, as much as it does that of Right and Wrong.

Itaque si vir bonus habeat hanc vim, ut, si digitis concrepuerit, possit in locupletium testamenta nomen eius inrepere, hac vi non utatur, ne si exploratum quidem habeat id omnino neminem umquam suspicaturum. At dares hanc vim M. Crasso, ut digitorum percussione heres posset scriptus esse, qui re vera non esset heres, in foro, mihi crede, saltaret. Homo autem iustus isque, quem sentimus virum bonum, nihil cuiquam, quod in se transferat, detrahet. Hoc qui admiratur, is se quid sit vir bonus nescire fateatur. 76. At vero, si qui voluerit animi sui complicatam notionem evolvere, iam se ipse doceat eum virum bonum esse, qui prosit quibus possit, noceat nemini nisi lacessitus iniuria. Quid ergo? hic non noceat, qui quodam quasi veneno perficiat ut veros heredes moveat, in eorum locum ipse succedat? 'Non igitur faciat' dixerit quis 'quod utile sit, quod expediat?' Immo intellegat nihil nec expedire nec utile esse, quod sit iniustum. Hoc qui non didicerit, bonus vir esse non poterit. 77. C. Fimbriam consularem audiebam de patre nostro puer iudicem M. Lutatio Pinthiae fuisse, equiti Romano sane honesto, cum is sponsionem fecisset NI VIR BONVS ESSET. Itaque ei dixisse Fimbriam se illam rem numquam iudicaturum, ne aut spoliaret fama probatum hominem, si contra iudicavisset, aut statuisse videretur virum bonum esse aliquem, cum ea res innumerabilibus officiis et laudibus contineretur. Huic igitur viro bono, quem Fimbria etiam, non modo Socrates noverat, nullo modo videri potest quicquam esse utile, quod non honestum sit. Itaque talis vir non modo facere, sed ne cogitare quidem quicquam audebit quod non audeat praedicare. Haec non turpe est dubitare philosophos, quae ne rustici quidem dubitent? a quibus natum est id quod iam contritum

est vetustate proverbium: cum enim fidem alicuius bonitatemque laudant, 'dignum esse' dicunt 'quicum in tenebris mices.' Hoc quam habet vim nisi illam, nihil expedire quod non deceat, etiam si id possis nullo refellente obtinere? 78. Videsne hoc proverbio neque Gygi illi posse veniam dari neque huic, quem paulo ante fingebam digitorum percussione hereditates omnium posse converrere! Ut enim, quod turpe est, id, quamvis occultetur, tamen honestum fieri nullo modo potest, sic, quod honestum non est, id utile ut sit effici non potest adversante et repugnante natura.

XX

The magnitude of the advantages, whether Rank or Power, to be derived from a wrong action is no excuse for its commission. Conduct of MARIUS.

79. At enim, cum permagna praemia sunt, est causa peccandi. C. Marius cum a spe consulatus longe abesset et iam septimum annum post praeturam iaceret neque petiturus umquam consulatum videretur, Q. Metellum, cuius legatus erat, summum virum et civem, cum ab eo, imperatore suo, Romam missus esset, apud populum Romanum criminatus est 'bellum illum ducere: si se consulem fecissent, brevi tempore aut vivum aut mortuum Iugurtham se in potestatem populi Romani redacturum.' Itaque factus est ille quidem consul, sed a fide iustitiaque discessit, qui optimum et gravissimum civem, cuius legatus et a quo missus esset, in invidiam falso crimine adduxerit.

Conduct of GRATIDIANUS

80. Ne noster quidem Gratidianus officio boni viri functus est tum, cum praetor esset collegiumque praetorum tribuni plebi adhibuissent, ut res numaria de communi sententia constitueretur; iactabatur enim temporibus illis numus sic, ut nemo posset scire quid haberet. Conscripserunt communiter edictum cum poena atque iudicio constitueruntque, ut omnes simul in rostra post meridiem escenderent. Et ceteri quidem alius alio, Marius ab subselliis in rostra recta idque, quod communiter compositum fuerat, solus edixit. Et ea res, si quaeris, ei magno honori fuit. Omnibus vicis statuae, ad eas tus, cerei. Quid multa? nemo umquam multitudini fuit carior. 81. Haec sunt quae conturbent in deliberatione non numquam, cum id, in quo violatur aequitas, non ita magnum, illud autem, quod ex eo paritur, permagnum videtur,

ut Mario praeripere collegis et tribunis plebi popularem gratiam non ita turpe, consulem ob eam rem fieri, quod sibi tum proposuerat, valde utile videbatur. Sed omnium una regula est, quam tibi cupio esse notissimam: aut illud, quod utile videtur, turpe ne sit, aut, si turpe est, ne videatur esse utile. Quid igitur? possumusne aut illum Marium virum bonum iudicare aut hunc? Explica atque excute intellegentiam tuam, ut videas quae sit in ea [species] forma et notio viri boni. Cadit ergo in virum bonum mentiri emolumenti sui causa, criminari, praeripere, fallere? Nihil profecto minus. 82. Est ergo ulla res tanti aut commodum ullum tam expetendum, ut viri boni et splendorem et nomen amittas? Quid est quod adferre tantum utilitas ista, quae dicitur, possit, quantum auferre, si boni viri nomen eripuerit, fidem iustitiamque detraxerit? Quid enim interest utrum ex homine se convertat quis in beluam an hominis figura inmanitatem gerat beluae?

RULE for our guidance in such cases. A man loses more by doing an immoral action than he can ever gain by it, be the reward what it may.

The character of goodness and integrity is worth all other things.

XXI

The real disadvantages to a man himself as well as to others of Power acquired by unjustifiable means shewn in the instance of IULIUS CAESAR.

Quid? qui omnia recta et honesta neglegunt, dum modo potentiam consequantur, nonne idem faciunt quod is, qui etiam socerum habere voluit eum, cuius ipse audacia potens esset? Utile ei videbatur plurimum posse alterius invidia. Id quam iniustum in patriam et quam turpe [et quam inutile] esset non videbat. Ipse autem socer in ore semper Graecos versus de Phoenissis habebat, quos dicam ut potero, incondite fortasse, sed tamen ut res possit intellegi:

The principle enunciated in the lines of EURIPIDES is immoral.

Nam sí violandum est iús, regnandi grátia
violándum est: aliis rébus pietatém colas.

9 *aut* species *aut* forma *eiciendum esse docuit Madvig Opusc. Acad. I p.* 337, forma *secluserunt Ba Lu*, species *Klotz Heine* || 26 *verba* et quam inutile *omissa in optimis codd. secluserunt Ba Heine, omisit St qui adnotat 'Sententia loci omissis illis verbis gravior multo fit, cum ex eo ipso quod* iniustum *et* turpe *est, eluceat etiam* inutile *esse etiamsi non ipsis verbis dicatur. Nam si cum vi quadam Cicero addere voluisset* et quam inutile, *non* quam iniustum *sed* et quam iniustum *dixisset'*

Capitalis Eteocles vel potius Euripides, qui id unum, quod omnium sceleratissimum fuerit, exceperit! 83. Quid igitur minuta colligimus, hereditates, mercaturas, venditiones fraudulentas? Ecce tibi, qui rex populi Romani dominusque omnium gentium esse concupiverit idque perfecerit! Hanc cupiditatem si honestam quis esse dicit, amens est: probat enim legum et libertatis interitum earumque oppressionem taetram et detestabilem gloriosam putat. Qui autem fatetur honestum non esse in ea civitate, quae libera fuerit quaeque esse debeat, regnare, sed ei, qui id facere possit, esse utile, qua hunc obiurgatione aut quo potius convicio a tanto errore coner avellere? Potest enim, dii immortales! cuiquam esse utile foedissimum et taeterrimum parricidium patriae, quamvis is, qui se eo obstrinxerit, ab oppressis civibus Parens nominetur? Honestate igitur dirigenda utilitas est et quidem sic, ut haec duo verbo inter se discrepare, re unum sonare videantur. 84. Non habeo ad volgi opinionem quae maior utilitas quam regnandi esse possit, nihil contra inutilius ei, qui id iniuste consecutus sit, invenio, cum ad veritatem coepi revocare rationem. Possunt enim cuiquam esse utiles angores, sollicitudines, diurni et nocturni metus, vita insidiarum periculorumque plenissima?

Rectitude is the only true measure and standard of Expediency.

The unhappiness of a tyrant's life.

Múlti iniqui atque ínfideles régno, pauci bénevoli

inquit Accius. At cui regno? quod a Tantalo et Pelope proditum iure optinebatur. Nam quanto plures ei regi putas, qui exercitu populi Romani populum ipsum Romanum oppressisset civitatemque non modo liberam, sed etiam gentibus imperantem servire sibi coëgisset? 85. Hunc tu quas conscientiae labes in animo censes habuisse, quae vulnera? Cuius autem vita ipsi potest utilis esse, cum eius vitae ea conditio sit, ut qui illam eripuerit in maxima et gratia futurus sit et gloria? Quod si haec utilia non sunt, quae maxime videntur, quia plena

1 Euripides vel potius Eteocles *Pearcius et Gesnerus:* capitalis Eteocles [vel potius Euripides] *Porsonus; totum* Eteocles vel potius Euripides *glossatori tribuunt Ba Heine* || 23 pauci benevoli *Ba Heine St e cod. Bern. c; vulgo* sunt boni

sunt dedecoris ac turpitudinis, satis persuasum esse debet nihil esse utile, quod non honestum sit.

XXII

Several instances of apparent inconsistency between Rectitude and Expediency:—
I. Case of FABRICIUS in the matter of the deserter from the camp of PYRRHUS.

86. Quamquam id quidem cum saepe alias tum Pyrrhi bello a C. Fabricio consule iterum et a senatu nostro iudicatum est. Cum enim rex Pyrrhus populo Romano bellum ultro intulisset, cumque de imperio certamen esset cum rege generoso ac potenti, perfuga ab eo venit in castra Fabricii eique est pollicitus, si praemium sibi proposuisset, se, ut clam venisset, sic clam in Pyrrhi castra rediturum et eum veneno necaturum. Hunc Fabricius reducendum curavit ad Pyrrhum idque eius factum laudatum a senatu est. Atqui si speciem utilitatis opinionemque quaerimus, magnum illud bellum perfuga unus et gravem adversarium imperii sustulisset, sed magnum dedecus et flagitium, quicum laudis certamen fuisset, eum non virtute sed scelere superatum. 87. Utrum igitur utilius vel Fabricio, qui talis in hac urbe qualis Aristides Athenis fuit, vel senatui nostro, qui numquam utilitatem a dignitate seiunxit, armis cum hoste certare an venenis? Si gloriae causa imperium expetundum est, scelus absit, in quo non potest esse gloria: sin ipsae opes expetuntur quoquo modo,

II. Case of L. PHILIPPUS in the matter of the towns enfranchised by SULLA.

non poterunt utiles esse cum infamia. Non igitur utilis illa L. Philippi Q. F. sententia: quas civitates L. Sulla pecunia accepta ex senatus consulto liberavisset, ut eae rursus vectigales essent neque iis pecuniam, quam pro libertate dederant, redderemus. Ei senatus est assensus. Turpe imperio: piratarum enim melior fides quam senatus. 'At aucta vectigalia, utile igitur.' Quousque audebunt dicere quicquam utile, quod non honestum? 88. Potest autem ulli imperio, quod gloria debet fultum esse et benevolentia sociorum, utile esse odium et infamia?

III. Case of CATO in the matter of the farmers of the public revenue.

Ego etiam cum Catone meo saepe dissensi. Nimis mihi praefracte videbatur aerarium vectigaliaque defendere, omnia publicanis negare, multa sociis, cum in hos benefici esse deberemus, cum illis sic agere, ut cum colonis nostris soleremus,

10 clam *delet Cobetus, seclusit Ba* || 36 solemus *Or contra codd.*

eoque magis, quod illa ordinum coniunctio ad salutem rei publicae pertinebat.

IV. Case of CURIO in the matter of the Transpadani.

Male etiam Curio, cum causam Transpadanorum aequam esse dicebat, semper autem addebat 'Vincat utilitas!' Potius doceret non esse aequam, quia non esset utilis rei publicae, quam cum utilem non esse diceret, esse aequam fateretur.

XXIII

Several similar practical Cases of conscience put and resolved by HECATO.
Rule of action in such cases has been already laid down.

89. Plenus est sextus liber de officiis Hecatonis talium quaestionum: 'sitne boni viri in maxima caritate annonae familiam non alere.' In utramque partem disputat, sed tamen ad extremum utilitate, ut putat, officium dirigit magis quam humanitate. Quaerit, 'si in mari iactura facienda sit, equine pretiosi potius iacturam faciat an servoli vilis?' Hic alio res familiaris, alio ducit humanitas.—'Si tabulam de naufragio stultus arripuerit, extorquebitne eam sapiens, si potuerit?' Negat, 'quia sit iniurium.'—'Quid dominus navis? eripietne suum?' 'Minime, non plus quam navigantem in alto eicere de navi velit, quia sua sit. Quoad enim perventum est eo, quo sumpta navis est, non domini est navis sed navigantium.' 90. 'Quid? si una tabula sit, duo naufragi eique sapientes, sibine uterque rapiat an alter cedat alteri?' 'Cedat vero, sed ei cuius magis intersit vel sua vel rei publicae causa vivere.'—'Quid? si haec paria in utroque?' 'Nullum erit certamen, sed quasi sorte aut micando victus alteri cedet alter.'—'Quid? si pater fana expilet, cuniculos agat ad aerarium, indicetne id magistratibus filius?' 'Nefas id quidem est: quin etiam defendat patrem, si arguatur.' 'Non igitur patria praestat omnibus officiis?' 'Immo vero, sed ipsi patriae conducit pios habere cives in parentes.'—'Quid? si tyrannidem occupare, si patriam prodere conabitur pater, silebitne filius?' 'Immo vero obsecrabit patrem, ne id faciat. Si nihil proficiet, accusabit, minabitur etiam, ad extremum, si ad perniciem patriae res spectabit, patriae salutem

4 vincat utilitas reipublicae *Or St e Bern. c* || 5 doceret *Ba Heine Lu cum aliquot codd.*, diceret *Or Z* || 12 ut putat *om Or* || 21 sibi neuter *Z St cum opt. codd.* sibine uterque *Ba Heine Lu cum Victorio*, sibine uter *Or fortasse recte* || 27 nefas id quidem *omisso* est *Or*

anteponet saluti patris.' 91. Quaerit etiam, 'si sapiens adulterinos nummos acceperit imprudens pro bonis, cum id rescierit, soluturusne sit eos, si cui debeat, pro bonis.' Diogenes ait, Antipater negat, cui potius assentior.—'Qui vinum fugiens vendat sciens, debeatne dicere?' 'Non necesse' putat Diogenes, Antipater 'viri boni' existimat. Haec sunt quasi controversa iura Stoicorum. 'In mancipio vendundo dicendane vitia, non ea, quae nisi dixeris, redhibeatur mancipium iure civili, sed haec, mendacem esse, aleatorem, furacem, ebriosum.' Alteri dicenda videntur, alteri non videntur. 92. 'Si quis aurum vendens orichalcum se putet vendere, indicetne ei vir bonus aurum illud esse, an emat denario quod sit mille denarium.' Perspicuum est iam et quid mihi videatur et quae sit inter eos philosophos, quos nominavi, controversia.

XXIV

Whether Promises and Bargains, not extorted by force or fraud, in all cases bind men to performance.

Pacta et promissa semperne servanda sint, QVAE NEC VI NEC DOLO MALO, ut praetores solent, FACTA SINT.—Si quis medicamentum cuipiam dederit ad aquam intercutem pepigeritque, si eo medicamento sanus factus esset, ne illo medicamento umquam postea uteretur, si eo medicamento sanus factus sit et annis aliquot post inciderit in eundem morbum nec ab eo, quicum pepigerat, impetret ut iterum eo liceat uti, quid faciendum sit. Cum sit is inhumanus, qui non concedat, nec ei quicquam fiat iniuriae, vitae et saluti consulendum.—93. Quid? si qui sapiens rogatus sit ab eo, qui eum heredem faciat, cum ei testamento sestertium miliens relinquatur, ut ante quam hereditatem adeat, luce palam in foro saltet, idque se facturum promiserit, quod aliter heredem eum scripturus ille non esset, faciat quod promiserit necne? Promisisset nollem et id arbitror fuisse gravitatis: quoniam promisit, si saltare in foro turpe ducet, honestius mentietur, si ex hereditate nihil ceperit quam si ceperit, nisi forte eam pecuniam in rei publicae magnum aliquod tempus contulerit, ut vel saltare,

XXV cum patriae consulturus sit, turpe non sit. 94. Ac ne illa

4 venenum fugiens *cum plerisque codd. St post Lambinum* || 22 item tum *St ex Bern. c.* || 28 promisisset *Ba Heine*, promisisse *codd.*

Several Cases besides stated, wherein a Man is not obliged to carry out his engagements and fulfil his Vows,

quidem promissa servanda sunt, quae non sunt iis ipsis utilia, quibus illa promiseris. Sol Phaëthonti filio, ut redeamus ad fabulas, facturum se esse dixit quidquid optasset. Optavit ut in currum patris tolleretur: sublatus est: atque is, ante quam constitit, ictu fulminis deflagravit. Quanto melius fuerat in hoc promissum patris non esse servatum! Quid? quod Theseus exegit promissum a Neptuno? Cui cum tres optationes Neptunus dedisset, optavit interitum Hippolyti filii, cum is patri suspectus esset de noverca; quo optato impetrato Theseus in maximis fuit luctibus. 95. Quid? Agamemnon cum devovisset Dianae quod in suo regno pulcherrimum natum esset illo anno, immolavit Iphigeniam, qua nihil erat eo quidem anno natum pulcrius. Promissum potius non faciendum quam tam taetrum facinus admittendum fuit. Ergo

nor to give up a thing committed to his Trust.

et promissa non facienda non numquam neque semper deposita reddenda. Si gladium quis apud te sana mente deposuerit, repetat insaniens, reddere peccatum sit, officium non reddere. Quid? si is, qui apud te pecuniam deposuerit, bellum inferat patriae, reddasne depositum? Non, credo; facias enim contra rem publicam, quae debet esse carissima. 96. Sic multa, quae honesta natura videntur esse, temporibus fiunt non honesta. Facere promissa, stare conventis, reddere deposita commutata utilitate fiunt non honesta. Ac de iis quidem, quae videntur esse utilitates contra iustitiam simulatione prudentiae, satis arbitror dictum.

By these Examples it appears that actions in themselves right, may cease to be so when the circumstances are altered.

Sed quoniam a quattuor fontibus honestatis primo libro officia duximus, in eisdem versemur, cum docebimus ea, quae videantur esse utilia neque sint, quam sint virtutis inimica. Ac de prudentia quidem, quam vult imitari malitia, itemque

8 *verba* cui cum—fuit luctibus *spuria esse intellexit Valckenaer ad Eur. Hipp.* v. 887; *totum locum ut emblema seclusit Ba* || 10 quo optatu impetrato *St e Bern. c* || 30 versabimur *Bei Al Or*, versemur *codd.* || 31 videntur *Or* || 32 ac de prudentia—et temperantiae *ut spuria seclusit Ba auctore Facciolato*

de iustitia, quae semper est utilis, disputatum est. Reliquae sunt duae partes honestatis, quarum altera in animi excellentis magnitudine et praestantia cernitur, altera in conformatione et moderatione continentiae et temperantiae.

XXVI

B. Where false Expediency comes into conflict with Courage.

CH. XXVI—XXXII.

That nothing can be expedient which is contrary to the virtue of Fortitude, shown from the examples of ULYSSES,

97. Utile videbatur Ulixi, ut quidem poëtae tragici prodiderunt—nam apud Homerum optumum auctorem talis de Ulixe nulla suspitio est—, sed insimulant eum tragoediae simulatione insaniae militiam supterfugere voluisse. Non honestum consilium. 'At utile,' ut aliquis fortasse dixerit, 'regnare et Ithacae vivere otiose cum parentibus, cum uxore, cum filio. Ullum tu decus in cotidianis laboribus et periculis cum hac tranquillitate conferendum putas?' Ego vero istam contemnendam et abiciendam, quoniam quae honesta non sit ne utilem quidem esse arbitror. 98. Quid enim auditurum putas fuisse Ulixem, si in illa simulatione perseveravisset? qui cum maximas res gesserit in bello, tamen haec audiat ab Aiace:

Cuius ípse princeps iúris iurandí fuit,
quod ómnes scitis, sólus neglexít fidem.
furere ádsimulare, né coiret, ínstitit.
quod ní Palamedi pérspicax prudéntia
istíus percepset málitiosam audáciam,
fidé sacratae iús perpetuo fálleret.

99. Illi vero non modo cum hostibus, verum etiam cum fluctibus, id quod fecit, dimicare melius fuit quam deserere consentientem Graeciam ad bellum barbaris inferendum. Sed omittamus et fabulas et externa: ad rem factam nostramque veniamus. M. Atilius Regulus, cum consul iterum in Africa ex insidiis captus esset duce Xanthippo Lacedaemonio, imperatore autem patre Hannibalis Hamilcare, iuratus missus est ad senatum, ut, nisi redditi essent Poenis captivi nobiles quidam, rediret ipse Karthaginem. Is cum Romam venisset, utilitatis speciem videbat, sed eam, ut res declarat, falsam iudicavit: quae erat talis: manere in patria, esse domui suae cum

and of REGULUS, who held himself bound to keep his word even at the peril of his life, CH. XXVI—XXXII.

10 *verba* ut aliquis fortasse dixerit *Heumanno et Heusingero iam suspecta secluserunt Ba Heine*

uxore, cum liberis, quam calamitatem accepisset in bello, communem fortunae bellicae iudicantem tenere consularis dignitatis gradum. Quis haec negat esse utilia? Quem censes?

XXVII Magnitudo animi et fortitudo negat. 100. Num locupletiores quaeris auctores? Harum enim est virtutum proprium nihil extimescere, omnia humana despicere, nihil quod homini accidere possit intolerandum putare. Itaque quid fecit? In senatum venit, mandata exposuit, sententiam ne diceret recusavit: quam diu iure iurando hostium teneretur, non esse se senatorem. Atque illud etiam—'o stultum hominem' dixerit quispiam 'et repugnantem utilitati suae!'—reddi captivos negavit esse utile: illos enim adulescentes esse et bonos duces, se iam confectum senectute. Cuius cum valuisset auctoritas, captivi retenti sunt, ipse Karthaginem rediit neque eum caritas patriae retinuit nec suorum. Neque vero tum ignorabat se ad crudelissimum hostem et ad exquisita supplicia proficisci, sed ius iurandum conservandum putabat. Itaque tum, cum vigilando necabatur, erat in meliore causa quam si domi senex captivus, periurus consularis remansisset. 101. 'At stulte, qui non modo non censuerit captivos remittendos, verum etiam dissuaserit.' Quo modo stulte? etiamne, si rei publicae conducebat? potest autem, quod inutile rei publicae sit, id cuiquam civi utile esse?

Objection i brought against the conduct of Regulus:

He was foolish to advise his countrymen against his own interest.

Answer i

Not if his advice was for the public good. For to separate Profit from moral Good is to do violence to the first and essential principles of Nature.

XXVIII Pervertunt homines ea, quae sunt fundamenta naturae, cum utilitatem ab honestate seiungunt. Omnes enim expetimus utilitatem ad eamque rapimur nec facere aliter ullo modo possumus. Nam quis est qui utilia fugiat, aut quis potius qui ea non studiosissime persequatur? Sed quia nusquam possumus nisi in laude, decore, honestate utilia reperire, propterea illa prima et summa habemus, utilitatis nomen non tam splendidum quam necessarium ducimus. 102. 'Quid est igitur' dixerit quis 'in iure iurando? num iratum timemus Iovem? At hoc quidem commune est omnium philosophorum, non eorum modo, qui deum nihil habere ipsum negotii

Objection ii

There is nothing in an Oath that we should fear to break it. For (*a*) the gods are never an-

gry and do not hurt us.

(*b*) Even supposing Jupiter, the avenger of perjury, had been angry, he could not have inflicted upon him greater evil than what REGULUS brought upon himself by returning.

(*c*) He ought to have chosen the least of evils.

(*d*) Men are not obliged to keep their oaths to Deceivers.

dicunt, nihil exhibere alteri, sed eorum etiam, qui deum semper agere aliquid et moliri volunt, numquam nec irasci deum nec nocere. Quid autem iratus Iuppiter plus nocere potuisset quam nocuit sibi ipse Regulus? nulla igitur vis fuit religionis, quae tantam utilitatem perverteret. An ne turpiter faceret? Primum 'minima de malis.' Num igitur tantum mali turpitudo ista habebit, quantum ille cruciatus? Deinde illud etiam apud Accium:

Fregistin fidem?
nĕque dedi neque do ĭnfideli cuiquam...

(*e*) Promises extorted by force need not be kept.

Objection iii.
He was foolish to undertake the mission at all.

Objection iv.
Great expediency makes right.

quamquam ab impio rege dicitur, luculente tamen dicitur.' 103. Addunt etiam, 'quemadmodum nos dicamus videri quaedam utilia quae non sint, sic se dicere videri quaedam honesta quae non sint: ut hoc ipsum videtur honestum conservandi iuris iurandi causa ad cruciatum revertisse, sed fit non honestum, quia, quod per vim hostium esset actum, ratum esse non debuit.' Addunt etiam, 'quidquid valde utile sit, id fieri honestum, etiam si antea non videretur.' Haec fere contra Regulum. Sed prima videamus.

XXIX

Answers to the Objections.

ii. An Oath is

(*a*) a sacred obligation, the performance of which is a matter of Justice and Honour, without regard to consequences.

104. 'Non fuit Iuppiter metuendus ne iratus noceret, qui neque irasci solet nec nocere.' Haec quidem ratio non magis contra Reguli quam contra omne ius iurandum valet. Sed in iure iurando non qui metus sed quae vis sit debet intellegi. Est enim ius iurandum adfirmatio religiosa: quod autem adfirmate quasi deo teste promiseris, id tenendum est. Iam enim non ad iram deorum, quae nulla est, sed ad iustitiam et ad fidem pertinet. Nam praeclare Ennius:

Ō Fides alma ăpta pinnis ĕt ius iurandŭm Iovis!

6 praeverteret *Or, Al Gruber contr. codd.* || 9 habebat *al. contra codd.* || 20 non debuit. *Post haec sextam adversariorum contra Regulum rationem* (cur igitur ad senatum proficiscebatur, cum praesertim de captivis dissuasurus esset?) *excidisse censet Unger coll.* § 110.

Qui ius igitur iurandum violat, is Fidem violat, 'quam in Capitolio vicinam Iovis optimi maximi,' ut in Catonis oratione est, 'maiores nostri esse voluerunt.'

(*b*) Pain, if an evil at all, is not the chief evil.

105. 'At enim ne iratus quidem Iuppiter plus Regulo nocuisset quam sibi nocuit ipse Regulus.' Certe, si nihil malum esset nisi dolere. Id autem non modo non summum malum sed ne malum quidem esse maxima auctoritate philosophi adfirmant. Quorum quidem testem non mediocrem, sed haud scio an gravissimum Regulum nolite, quaeso, vituperare. Quem enim locupletiorem quaerimus quam principem populi Romani, qui retinendi officii causa cruciatum subierit voluntarium? Nam quod aiunt 'minima de malis,' id est, ut turpiter potius quam calamitose: an est ullum maius malum turpitudine?

(*c*) Certainly no evil can be greater than Dishonour.

quae si in deformitate corporis habet aliquid offensionis, quanta illa depravatio et foeditas turpificati animi debet videri! 106. Itaque nervosius qui ista disserunt, solum audent malum dicere id, quod turpe sit; qui autem remissius, ii tamen non dubitant summum malum dicere. Nam illud quidem:

Nĕque dedi neque do ĭnfideli cuiquam,

(*d*) The Maxim that Faith is not to be kept with Deceivers is a mere cover for perjury. Oaths made to an Enemy must be observed, except in the case of Pirates, who are the common enemies of all men alike. The correct idea of Perjury expressed by Euripides.

idcirco recte a poeta, quia, cum tractaretur Atreus, personae serviendum fuit. Sed si hoc sibi sument, nullam esse fidem quae infideli data sit, videant ne quaeratur latebra periurio. 107. Est autem ius etiam bellicum fidesque iuris iurandi saepe cum hoste servanda. Quod enim ita iuratum est, ut mens conciperet fieri oportere, id servandum est: quod aliter, id si non fecerit, nullum est periurium. Ut si praedonibus pactum pro capite pretium non attuleris, nulla fraus est, ne si iuratus quidem id non feceris. Nam pirata non est ex perduellium numero definitus, sed communis hostis omnium. Cum hoc nec

26 autem *om. Or contra codd., totum locum* Est autem—servanda *seclusit Heine* || 29 id si non fecerit *uncis seclusit Fleckeisen,* feceris *Or contra codd.* || 33 [definitus] *Or Lu cum I. M. Heusingero,* ex perduellium numero: definitus est *etc. St*

fides debet nec ius iurandum esse commune. 108. Non enim falsum iurare periurare est, sed, quod EX ANIMI TVI SENTENTIA iuraris, sicut verbis concipitur more nostro, id non facere periurium est. Scite enim Euripides:

Iurávi lingua, méntem iniuratám gero.

Regulus vero non debuit condiciones pactionesque bellicas et hostiles perturbare periurio. Cum iusto enim et legitimo hoste res gerebatur, adversus quem et totum ius fetiale et multa sunt iura communia. Quod ni ita esset, numquam claros viros senatus vinctos hostibus dedidisset.

XXX

Were it not so, certain eminent Romans would not have been given up to the enemy because they made disadvantageous treaties, the articles of which were not ratified by the Senate.

109. At vero T. Veturius et Sp. Postumius, cum iterum consules essent, quia, cum male pugnatum apud Caudium esset, legionibus nostris sub iugum missis pacem cum Samnitibus fecerant, dediti sunt iis; iniussu enim populi senatusque fecerant. Eodemque tempore Ti. Numicius, Q. Maelius, qui tum tribuni plebis erant, quod eorum auctoritate pax erat facta, dediti sunt, ut pax Samnitium repudiaretur. Atque huius deditionis ipse Postumius, qui dedebatur, suasor et auctor fuit. Quod idem multis annis post C. Mancinus, qui ut Numantinis, quibuscum sine senatus auctoritate foedus fecerat, dederetur, rogationem suasit eam, quam L. Furius, Sex. Atilius ex senatus consulto ferebant: qua accepta est hostibus deditus. Honestius hic quam Q. Pompeius, quo, cum in eadem causa esset, deprecante accepta lex non est. Hic ea, quae videbatur utilitas, plus valuit quam honestas, apud superiores utilitatis species falsa ab honestatis auctoritate superata est.

(*e*) A man of courage cannot be forced.

iii. The fact of his undertaking the mission is the best proof of his high sense of honour.

110. 'At non debuit ratum esse, quod erat actum per vim.' Quasi vero forti viro vis possit adhiberi. 'Cur igitur ad senatum proficiscebatur, cum praesertim de captivis dissuasurus esset?' Quod maximum in eo est, id reprehenditis. Non enim suo iudicio stetit, sed suscepit causam, ut esset iudicium senatus: cui nisi ipse auctor fuisset, captivi profecto Poenis redditi essent. Ita incolumis in patria Regulus restitisset. Quod quia patriae non utile puta-

6 condictiones *Or Al* || 22 P. Furius *Or cum Oudendorpio*

vit, idcirco sibi honestum et sentire illa et pati credidit. Nam quod aiunt, quod valde utile sit, id fieri honestum, immo vero esse, non fieri. Est enim nihil utile quod idem non honestum, nec, quia utile, honestum, sed quia honestum, utile. Qua re ex multis mirabilibus exemplis haud facile quis dixerit hoc exemplo aut laudabilius aut praestantius.

iv. A thing cannot be made honourable by being expedient, if otherwise dishonourable.

XXXI

The return of REGULUS was not so remarkable in an age which regarded an Oath as the strictest possible obligation; as is proved by the Laws of the XII Tables, the *sacratae*, treaties etc., and by the particular example of M. POMPONIUS,

111. Sed ex tota hac laude Reguli unum illud est admiratione dignum, quod captivos retinendos censuit. Nam quod rediit nobis nunc mirabile videtur, illis quidem temporibus aliter facere non potuit. Itaque ista laus non est hominis, sed temporum. Nullum enim vinculum ad astringendam fidem iure iurando maiores artius esse voluerunt. Id indicant leges in duodecim tabulis, indicant sacratae, indicant foedera, quibus etiam cum hoste devincitur fides, indicant notiones animadversionesque censorum, qui nulla de re diligentius quam de iure iurando iudicabant. 112. L. Manlio A. F, cum dictator fuisset, M. Pomponius tribunus plebis diem dixit, quod is paucos sibi dies ad dictaturam gerendam addidisset; criminabatur etiam, quod Titum filium, qui postea est Torquatus appellatus, ab hominibus relegasset et ruri habitare iussisset. Quod cum audivisset adulescens filius negotium exhiberi patri, accurrisse Romam et cum primo luci Pomponii domum venisse dicitur. Cui cum esset nuntiatum, qui illum iratum allaturum ad se aliquid contra patrem arbitraretur, surrexit e lectulo remotisque arbitris ad se adulescentem iussit venire. At ille ut ingressus est, confestim gladium destrinxit iuravitque se illum statim interfecturum, nisi ius iurandum sibi dedisset se patrem missum esse facturum. Iuravit hoc terrore coactus Pomponius; rem ad populum detulit, docuit cur sibi causa desistere necesse esset. Manlium missum fecit. Tantum temporibus illis ius iurandum valebat. Atque hic T. Manlius is est, qui ad

25 cum primo luci *St Heine Lu Be Or* || 35 Atque hic T. Manlius —in filium *ut emblema seclusit Ba, suspicionem iam moverant Ernestio*

Anienem Galli, quem ab eo provocatus occiderat, torque detracto cognomen invenit, cuius tertio consulatu Latini ad Veserim fusi et fugati, magnus vir in primis et qui perindulgens in patrem, idem acerbe severus in filium.

XXXII

and by that of ten Romans sent upon their parole by Hannibal to Rome after the battle of Cannae.

113. Sed ut laudandus Regulus in conservando iure iurando, sic decem illi, quos post Cannensem pugnam iuratos ad senatum misit Hannibal se in castra redituros ea, quorum erant potiti Poeni, nisi de redimendis captivis impetravissent, si non redierunt, vituperandi. De quibus non omnes uno modo: nam Polybius, bonus auctor in primis, ex decem nobilissimis, qui tum erant missi, novem revertisse dicit, re a senatu non impetrata: unum ex decem, qui paullo post quam erat egressus e castris redisset quasi aliquid esset oblitus, Romae remansisse. Reditu enim in castra liberatum se esse iure iurando interpretabatur. Non recte; fraus enim astringit, non dissolvit periurium. Fuit igitur stulta calliditas perverse imitata prudentiam. Itaque decrevit senatus ut ille veterator et callidus vinctus ad Hannibalem duceretur.

Equivocation does not free from the guilt of perjury, but rather aggravates it.

114. Sed illud maximum. Octo hominum milia tenebat Hannibal, non quos in acie cepisset aut qui periculo mortis diffugissent, sed qui relicti in castris fuissent a Paulo et a Varrone consulibus. Eos senatus non censuit redimendos, cum id parva pecunia fieri posset, ut esset insitum militibus nostris aut vincere aut emori. Qua quidem re audita fractum animum Hannibalis scribit idem, quod senatus populusque Romanus rebus adflictis tam excelso animo fuisset. Sic honestatis comparatione ea, quae videntur utilia, vincuntur.

Another instance, in which disregard to apparent Expediency and regard to the Principles of Honour proved ultimately advantageous.

115. Acilius autem, qui Graece scripsit historiam, plures ait fuisse qui in castra revertissent eadem fraude, ut iure iurando liberarentur, eosque a censoribus omnibus ignominiis notatos. Sit iam huius loci finis. Perspicuum est enim ea, quae timido animo, humili, demisso fractoque fiant,—quale fuisset Reguli factum, si aut de captivis quod ipsi opus esse videretur, non quod rei publicae, censuisset aut domi remanere voluisset,—non esse utilia, quia sint flagitiosa, foeda, turpia.

16 distringit *Ba Unger cum opt. codd.* ‖ 20 Sed illud—vincuntur *seclusit Ba auctore I. M. Heusingero, ut exemplum a re proposita alienum* ‖ 22 periculum...defugissent *Or cum uno codice Bern. c,* periculo...diffugissent *St Ba Heine Lu cum codd.*

There can be no real Expediency in mean and cowardly conduct, the reverse of that of REGULUS.

XXXIII

C. Where false Expediency comes into collision with Temperance.

116. Restat quarta pars, quae decore, moderatione, modestia, continentia, temperantia continetur. Potest igitur quicquam utile esse, quod sit huic talium virtutum choro contrarium? Atqui ab Aristippo Cyrenaici atque Annicerii, philosophi nominati, omne bonum in voluptate posuerunt virtutemque censuerunt ob eam rem esse laudandam, quod efficiens esset voluptatis. Quibus obsoletis floret Epicurus, eiusdem fere adiutor auctorque sententiae. Cum his viris equisque, ut dicitur, si honestatem tueri ac retinere sententia est, decertandum est.

This can only be the case on supposition of the Epicurean theory being true, that 'pleasure is the summum bonum, and virtue so far desirable as it is conducive to this:' a doctrine which is proved to be in direct contradiction to the four sources of the honestum, viz.

117. Nam si non modo utilitas, sed vita omnis beata corporis firma constitutione eiusque constitutionis spe explorata, ut a Metrodoro scriptum est, continetur, certe haec utilitas et quidem summa—sic enim censent—cum honestate pugnabit.

1. Wisdom

Nam ubi primum **prudentiae** locus dabitur? an ut conquirat undique suavitates? Quam miser virtutis famulatus servientis voluptati! Quod autem munus prudentiae? an legere intellegenter voluptates? Fac nihil isto esse iucundius, quid cogitari potest turpius?

2. Courage

Iam qui dolorem summum malum iudicat, apud eum quem habet locum **fortitudo**, quae est dolorum laborumque contemptio? Quamvis enim multis locis dicat Epicurus, sicuti dicit, satis fortiter de dolore, tamen non id spectandum est, quid dicat, sed quid consentaneum sit ei dicere, qui bona voluptate terminaverit, mala dolore: ut si illum audiam de continentia et temperantia, dicit ille quidem

14 conlaudandam *Ba Heine* ‖ 29 iudicat *Ba Heine Lu post Lambinum,* dicat *Or Al cum codd.*

multa multis locis, sed aqua haeret, ut aiunt.

3. Temperance

Nam qui potest temperantiam laudare is, qui ponat summum bonum in voluptate? Est enim temperantia libidinum inimica, libidines autem consectatrices voluptatis. 118. Atque in his tamen tribus generibus quoquo modo possunt non incallide tergiversantur. Prudentiam introducunt scientiam suppeditantem voluptates, depellentem dolores. Fortitudinem quoque aliquo modo expediunt, cum tradunt rationem neglegendae mortis, perpetiendi doloris. Etiam temperantiam inducunt non facillime illi quidem, sed tamen quoquo modo possunt. Dicunt enim voluptatis magnitudinem doloris detractione finiri. Iustitia

4. Justice.

vacillat vel iacet potius omnesque eae virtutes, quae in communitate cernuntur et in societate generis humani. Neque enim bonitas nec liberalitas nec comitas esse potest, non plus quam amicitia, si haec non per se expetantur, sed ad voluptatem utilitatemve referantur. Conferamus igitur in pauca. 119. Nam ut utilitatem nullam esse docuimus quae honestati esset contraria, sic omnem voluptatem dicimus honestati esse contrariam. Quo magis reprehendendos Calliphonem et Dinomachum iudico, qui se dirempturos con-

Futile theory of CALLIPHON and DINOMACHUS.

troversiam putaverunt, si cum honestate voluptatem tamquam cum homine pecudem copulavissent. Non recipit istam coniunctionem honestas, aspernatur, repellit. Nec vero finis bonorum [et malorum], qui simplex esse debet, ex dissimillimis rebus misceri et temperari potest. 120. Sed de hoc—magna enim res est—alio loco pluribus. Nunc ad propositum. Quem ad modum igitur, si quando ea, quae videtur utilitas, honestati repugnat, diiudicanda res sit, satis est supra disputatum. Sin autem speciem utilitatis etiam voluptas habere dicetur, nulla potest esse ei cum honestate coniunctio. Nam, ut tribuamus aliquid voluptati, condimenti fortasse nonnihil, utilitatis certe nihil habebit.

Conclusion.

121. Habes a patre munus, Marce fili, mea quidem sententia magnum, sed perinde erit,

25 *verba* et malorum *delet Muretus var. lect.* XIV. 3, *secluserunt Ba Heine delet Lu cum duobus codd.* || 31 dicitur *Heine*

ut acceperis. Quamquam hi tibi tres libri inter Cratippi commentarios tamquam hospites erunt recipiendi: sed ut, si ipse venissem Athenas, quod quidem esset factum, nisi me e medio cursu clara voce patria revocasset, aliquando me quoque audires, sic, quoniam his voluminibus ad te profecta vox est mea, tribues iis temporis quantum poteris, poteris autem quantum voles. Cum vero intellexero te hoc scientiae genere gaudere, tum et praesens tecum propediem, ut spero, et dum aberis, absens loquar. Vale igitur, mi Cicero, tibique persuade esse te quidem mihi carissimum, sed multo fore cariorem, si talibus monumentis praeceptisque laetabere.

1 et hi *St post Lambinum ex aliquot optimis codd.* '*cum maxima enim urbanitate* et *interpositum est. Intellegendum enim* et ceteri et hi. *Si abesset* et, *contraria sententia evaderet* hi, non ceteri, *quod perversum est.*' || 11 monitis *Lambinus probantibus Heine Lu, conf.* I § 156, monumentis *Ba Al cum plerisque codd.*, monimentis *Or cum Bern. c*

LIBRI TERTII FINIS

NOTES

ON

CICERO

DE OFFICIIS

BOOK I

BOOK THE FIRST

DF OFFICIIS] Gr. *περὶ τοῦ καθήκοντος*, more rarely *περὶ καθηκόντων*, as in Lucian *Hermot.* § 82, Aul. Gell. *N. A.* I. c. 13. Cicero tells us himself why he prefers the title *de officiis* to *de officio* (*Ep. ad Attic.* XVI 11, § 2), *τὰ περὶ τοῦ καθήκοντος, quatenus Panaetius, absolvi duobus...Quod de inscriptione quaeris, non dubito quin καθῆκον officium sit, nisi quid tu aliud; sed inscriptio plenior 'de officiis.'* Προσφωνῶ *autem Ciceroni filio. Visum est non* ἀνοίκειον. It agrees better with Cicero's treatment of the subject of 'moral duties,' inasmuch as these vary with a man's social position and other circumstances which he considers in this treatise, see I § 122—125, compare also III § 77 *virum bonum...cum ea res innumerabilibus officiis et laudibus contineretur.*

CHAPTER I.

P. 3 § 1, l. 1. annum iam audientem] Cicero sent his son to Athens about the first of April B.C. 45, as he tells us in a letter to Atticus written the next year (XV 15), in which speaking of his son he writes *scripsit ad Tironem sibi post Kal. April.—sic enim annuum tempus confici—nihil datum esse.* As Cicero speaks in the text of his son *annum iam audientem Cratippum*, it is inferred that he began this Treatise in the spring or early in the summer of B.C. 44, two or three months at most after the assassination of Caesar. On the other hand, the following reasons may be given for believing that the treatise was not commenced until the autumn of the same year. (1) In the very frequent letters of this period, which give us a full account almost of the daily occupations of Cicero, there is no mention of a work *de officiis* until Oct. 24 (*Ep. ad Att.* XV 13). (2) Cicero implies (*Off.* III § 121) that this book was intended as a substitute for the instruction which he had designed giving his son in person at Athens. It may be supposed therefore that it was written after the project of visiting Greece was abandoned. Now we learn from *Ep. ad Att.* XVI 7 that having set out on a voyage, he was driven back to the vicinity of Rhegium on the 6th of August, and was induced to give up his visit to his son and return to Rome by the representations of his friends that a favourable change in public affairs had taken place, and that his presence was demanded. He reached the Capitol on the last day of August, and having on September the 2nd delivered his first Philippic, retired soon after to his villa at Puteoli. Here he spent the months of October and November, and is supposed to have employed himself in writing this work. It is agreed that it was finished before the ninth of December. A. W. Zumpt suggests that the disagreement may be reconciled by supposing that the young Cicero, although he left home on the first of April, did not for some time actually commence his attendance on the instructions of Cratippus; and further, that Cicero does not intend to speak with exactness in using the words

annum iam audientem. On the adjectival use of *audientem* see Madvig Gr. § 289 *a*, and for the accusative *annum* to specify duration of time, ib. § 235.

l. 2. Cratippum] An eminent Peripatetic philosopher, born at Mitylene, where he consoled Pompey after his flight from the battle of Pharsalia (Plutarch *v. Pomp.* p. 659 c. 75). When Cicero visited Cilicia, Cratippus met him at Ephesus and obtained through his intercession with Caesar the Roman franchise. On coming to Athens he was requested, at the instance also of Cicero, by the Areopagites to open a school there (Plutarch *v. Cicer.* p. 873 c. 24). He wrote a treatise *de divinatione* and *somniorum interpretatione* (Cic. *de div.* I c. 3, II c. 48 sqq., Tertullian *de anima* II c. 46). Cicero's opinion of him may be learned from I § 3, where he is spoken of as *princeps huius aetatis philosophorum*, and III § 5 *principe huius memoriae philosophorum*. Again in II § 8 Cic. says that he deserved to be ranked with the greatest men of his school *iis simillimo qui ista praeclara pepererunt* and de div. I § 5 *Cratippus familiaris noster quem ego parem summis Peripateticis iudico*, also de div. II § 107 *veniamus ad optimum virum, familiarem nostrum Cratippum*. Young Cicero seems to have been much attached to him. In a letter to Tiro (*Ep. ad Fam.* XVI 21) he writes *Cratippo me scito non ut discipulum sed ut filium esse coniunctissimum; nam et audio illum libenter, tum etiam propriam eius suavitatem vehementer amplector. Sum totos dies cum eo noctisque saepenumero partem: exoro enim ut mecum quam saepissime cenet. Hac introducta consuetudine, saepe inscientibus nobis et cenantibus obrepit sublataque severitate philosophiae humanissime nobiscum iocatur. Quare da operam ut hunc talem tam iucundum tam excellentem virum videas quam primum.* He was his travelling companion in Asia (*ad Fam.* XII 16).

idque] = καὶ ταῦτα 'and that too,' Zumpt Gr. § 699.

abundare oportet praeceptis institutisque philosophiae] 'you cannot fail to be well supplied with the practical rules and principles of philosophy.' Beier thus paraphrases the passage: 'Aliter non potuit quin aemulatio tua incenderetur, cum Athenis, in litterarum emporio, quo tamquam ad mercaturam bonarum artium tot iuvenes discendi cupidi humanitatisque studia sectantes confluxerunt, horum συμφιλοσοφούντων et doctrinae eruditionisque aemulorum laudabilia exempla intuerere.'

l. 5. quorum] Madv. Gr. 214 *b*, 315 *a*.

l. 6. ad meam utilitatem] = cum mea utilitate, i.e. 'with my own improvement as a consequence,' not 'for my own improvement as an end.'

l. 7. semper] i.e. not merely when a young student. Comp. Brut. XC § 310: *Commentabar declamitans......saepe cum M. Pisone et cum Q. Pompeio aut cum aliquo cotidie; idque faciebam multum etiam latine, sed graece saepius, vel quod graeca oratio plura ornamenta suppeditans consuetudinem similiter latine dicendi afferebat, vel quod a graecis summis doctoribus, nisi graece dicerem, neque corrigi possem neque doceri.*

id...feci] h. e. cum graecis latina coniunxi, by speaking and writing on philosophy in Latin and Greek: for his oratorical studies, comp. Brut. § 310 *commentabar declamitans—idque faciebam multum etiam latine, sed graece saepius.*

l. 9. ut ipse—idem tibi] For the sequence ut—idem instead of ut—sic quoque cp. de leg. II § 14 *sed* ut *vir doctissimus fecit Plato,*—id *mihi credo esse faciendum*: de fin. IV § 34 ut *Phidias potest a primo instituere signum idque perficere, potest ab alio incohatum accipere et*

absolvere, huic *similis est sapientia*. Lambinus' conjecture *item* is unnecessary.

ut par sis in utriusque orationis facultate] 'that you may possess equal command over both the Greek and Latin languages.' *utraque lingua* was an ordinary phrase for Greek and Latin, barbarous tongues being ignored: cp. Hor. Od. III 8, 5 *docte sermones* utriusque linguae. Beier however and Heine take *utriusque* to refer to both styles of discourse, *illud forense dicendi et hoc quietum disputandi genus*.

l. 10. quam quidem ad rem] i.e. ad ea quae a Graecis discuntur latine dicenda, BE. 'In this respect, if I mistake not, I have rendered considerable service to my countrymen, so that not only those of them who are not Greek scholars (*qui illa, quae a Graecis accepissent, latine dici posse diffiderent*, nat. deor. I § 8), but even those who are, consider that they have gained a good deal (*aliquantum*) to aid them not only as speakers but also as philosophical thinkers.' Cicero means that by his writings he had not only taught his countrymen to think, but also had so enriched (*pleniorem effecit* l. 20) their language, *ut graecis de philosophia litteris non egeant* (de div. II 2, 6). Comp. de fin. I ch. 2. *Docti* are opposed to *graecarum literarum rudes*: so Acad. Post. I § 4 the same who are called *docti* had been spoken of before as *graecis doctrinis eruditi*, and again, those who are said *a Graecorum artibus et disciplinis abhorrere* are afterwards referred to as *indocti*. The *docti* had been taught by Cicero that Greek philosophy was a subject capable of being expounded in Latin.

ut videmur] sc. *nobis*, i.e. nisi fallor, Zumpt Gr. § 380.

§ 2, l. 14. disces tu quidem—et disces] On the use of *quidem* with a personal pronoun, when a concession is made but immediately qualified by an adversative clause, see P. S. Gr. p. 285, cp. § 66, § 95. The adversative clause is sometimes omitted as in II § 32. The repetition of the verb after a conjunction is a frequent mode in Cicero of giving emphasis to an assertion: comp. below § 95 *pertinet quidem—et ita pertinet*, Verr. III 65 *tenetur—et manifesto tenetur*, Catil. I 2, 4 *vivis, et vivis...ad confirmandam audaciam*, ib. 9, 6 *vivis et vives ita ut nunc vivis*, pro Mur. c. 26 § 53 *petisset diligenter et ita petisset—ut*.

l. 16. non paenitebit] 'you will not be dissatisfied.' Comp. Terent. Haut. Tim. I i. 20 *at enim me quantum hic operis fiat paeniteret*, Liv. Hist. I 8 *cum jam virium haud paeniteret*, Cic. ad Att. I 20 *a senatu quanti fiam, minime me paenitet*, ad Fam. VI 1 *ea perturbatio est omnium rerum, ut suae quemque fortunae paeniteat*, ad Att. XII 28 *non paenitet me quantum profecerim*.

l. 17. a Peripateticis] i.q. *a scriptis Peripateticorum*, § 76 l. 5, n.

utrique] both of us, i.e. the Peripatetics and myself. On the relation between Socrates and the New Academy, see nat. deor. I 5.

l. 18. Socratici et Platonici—esse] cp. nat. d. I § 11 *haec in philosophia ratio contra omnia disserendi nullamque rem aperte iudicandi profecta a Socrate, repetita ab Arcesila, confirmata a Carneade usque ad nostram viguit aetatem*; de div. II § 150 *cum autem proprium sit Academiae iudicium suum nullum interponere, ea probare quae simillima veri videantur, conferre causas et quid in quamque sententiam dici possit, expromere...tenebimus hanc consuetudinem a Socrate traditam*, Tusc. disp. V § 11, de fin. II § 2, Ac. Post. I § 45.

utere] i.q. *uteris*, the future as a softened imperative. For other examples of this form of the future of deponent verbs III § 121, or. in Cat. I §

27 *patiere*, ib. I, I *abutere*, 7, 17 *verebere*, *sequere*, 10, 26 *perfruere*, *bacchabere:* Verr. IV § 25 *interpretabere*, pro Flacc. c. 29 § 70 *negotiabere*, ep. ad Fam. X 14 *consequere*, de fin. IV § 69 *angere*.

l. 20. efficies pleniorem] 'you must be sure to improve' not 'I am confident you will improve.' The clause *de rebus ipsis etc.* is really subordinate to this. See too § 17 l. 27 and cp. § 51, § 84.

legendis nostris] Cum iam longius abesset illud *nostra legens*, repetit *legendis nostris*. Z.

l. 22. apte] sc. *ad rerum dignitatem* 'with propriety,' suitably to the subject we are handling: de orat. III § 53 *qui distincte, qui explicate, qui abundanter, qui illuminate et rebus et verbis dicunt, ii sunt qui dicunt ornate; qui idem ita moderantur ut rerum, ut personarum dignitates ferunt, ii sunt in eo genere laudandi quod ego aptum nomino.*

distincte] 'with perspicuity' refers to the method of a discourse: **ornate**, to the figures and ornaments of rhetoric employed in it.

l. 24. vindicare] sc. *mihi:* cp. § 22 l. 32 *quoniam ortus nostri partem patria vindicat*, sc. *sibi*.

P. 4, § 3, l. 3. iam illis fere se aequarunt] 'have now come up to them' in bulk and number. Of the former he had composed 68, of the latter 51 including the present treatise: see Introd. to *de divin.* II. The MSS. reading *aequarunt* instead of *se aequarunt* is shewn by Zumpt to be incorrect Latin: either *illis fere se aequarunt*, or *illos fere aequarunt* being required. The original construction was *aequare aliquam rem cum aliqua re*, or passively *res aequatur cum re*, e.g. de leg. III § 24 *quo tenuiores* cum principibus aequari *se putarent;* Brut. c. 36 *latina dicendi copia* cum *graecorum* gloria aequata. Sometimes a dative takes the place of the ablative with *cum* as in the phrase *solo aequare urbem* in Velleius Tacitus etc. *Aequare* again is often used in the sense of 'reaching' or 'coming up to' with a simple accusative, but never with a dative. This follows from the literal meaning, 'to bring a thing into equality with something belonging to yourself,' as in Liv. I 53 Tarquin is said *belli arte* superiores aequasse, Quint. Curt. IV I cursum *equorum* aequare, Hor. Od. II 5, 3 munia comparis aequare. But in this sense the dative is never similarly employed. Beier takes *aequare* to be used reflexively =*aequare se*, as *muto* is used by Catullus XXII II *tantum abhorret ac mutat* i.q. *mutat se*.

l. 5. aequabile] 'uniform,' 'even,' 'unimpassioned.'

l. 8. elaboraret] 'worked at with success.' 'Elaboraret ex uno tantum sed bono libro MS. (Guelf. 2) editur. Laborat in aliqua re qui operam insumit, fere frustra, nisi adiungatur verborum aliquid, quemadmodum Cic. de orat. III 33 ait *utroque in genere et laboravit et praestitit*, sed qui sic laborat ut praestet aliquid, is uno verbo elaborat in aliqua re.' Z. Comp. Kühner Tusc. Qu. I § 1 'laborare est in re aliqua studiose atque enixe agenda tractandaque versari, notione adiuncta vel molestiae vel frustrationis vel curae: elaborare contra est e *labore* in aliqua re collocato quasi *emergere et vel ad speratum fructum* vel ad propositum finem pervenire; omninoque laborando aliquid efficere: hinc semper ponitur ubi non anxia sed liberior quaedam agendi ratio commemoratur.' Cp. § 116, § 133.

l. 9. sequereturque] 'that is, aimed at,' 'endeavoured to attain.' Cp. l. 14 *utrumque certe secuti sumus*, nat. deor. I § 12 *cuius rei tantae... facultatem consecutum esse me non profiteor, secutum esse prae me fero.*

dicendi—disputandi] Brut. § 118 *iidem* (Stoici) traducti *a* disputando *ad* dicendum *inopes reperiantur:* see note to § 132 on the opposition between *contentio* and *sermo*.

l. 10. Demetrius Phalereus] Demetrius ὁ Φαληρεύς, so called from his birthplace, the Attic δῆμος, where he was born about B.C. 345. He was educated, together with the poet Menander, in the School of Theophrastus. He began his public career about B.C. 325, and soon acquired a great name by his public speaking. As he acted thoroughly in the spirit of Phocion he was made governor of Athens by Cassander B.C. 317, an office which he filled for ten years (*Atheniensium remp. exsanguem iam et iacentem sustentavit* Cic. de rep. II § 2). Afterwards, becoming intoxicated with his extraordinary good fortune, he abandoned himself to every kind of dissipation, which roused a party of malcontents, so that on the approach of Demetrius Poliorcetes to Athens he fled to Thebes and thence to the court of Ptolemy Lagi at Alexandria, where he devoted himself to literary pursuits (Plutarch, de exil. p. 602 F), and died B.C. 283. His numerous writings (a list of which is given by Diogenes Laertius V 80) embraced subjects of the most varied kinds; he was the last among the Attic orators worthy of the name (Cic. Brut. 8, Quintil. X I § 80): his speeches were characterised rather by grace and elegance than by force and sublimity. Cicero, Brut. IX § 37, says of him: *Phalereus successit, eruditissimus ille quidem sed non tam armis institutus quam palaestra, itaque delectabat magis Athenienses quam inflammabat: processerat enim in solem et pulverem non ut e militari tabernaculo, sed ut e Theophrasti doctissimi hominis umbraculis. Hic primus inflexit orationem et eam mollem teneramque reddidit et suavis, sicut fuit, videri maluit quam gravis; sed suavitate ea, qua perfunderet animos, non qua perfringeret; tantum ut memoriam concinnitatis suae, non, quemadmodum de Pericle scripsit Eupolis, cum delectatione aculeos etiam relinqueret in animis eorum a quibus esset auditus:* de legg. III § 14 *a Theophrasto Phalereus ille Demetrius mirabiliter doctrinam ex umbraculis eruditorum otioque non modo in solem atque pulverem, sed in ipsum discrimen aciemque produxit:* cp. de orat. II § 95, orat. § 94, Quintil. X I § 33. He maintained however a happy medium between the sublime grandeur of Demosthenes and the flourishing declamations of his successors. By *disputator subtilis* is meant 'a clever essayist,' qui res eruditas egregie explicare potest.

in hoc numero] i.q. *in horum numero*, i.e. in the number of those who have made both oratory and philosophy their study.

l. 12. dulcis...Theophrasti] Comp. Cic. Brut. § 121 *quis Aristotele nervosior*, Theophrasto *dulcior?* Or. § 62 Theophrastus *divinitate loquendi nomen invenit*, Quint. Or. Inst. X I § 83 *in* Theophrasto *tam est loquendi nitor ille divinus, ut ex eo nomen quoque traxisse videatur.*

l. 13. aliorum sit iudicium] i.q. *alii iudicent*.

§ 4, l. 15. Platonem] Orat. § 10 *non intelligendi solum sed etiam dicendi gravissimus auctor*, de orat. I § 47 *in oratoribus irridendis ipse esse orator summus mihi videbatur.*

l. 16. Demosthenem] said to have given philosophy up for oratory at the advice of Isocrates, Brut. § 121 *lectitavisse Platonem studiose, audivisse etiam Demosthenes dicitur idque apparet ex genere et granditate verborum*, Plutarch. Demosth. ch. 5 Ἕρμιππος δέ φησιν ἀδεσπότοις ὑπομνήμασιν ἐντυχεῖν, ἐν οἷς ἐνεγέγραπτο τὸν Δημοσθένην συνεσχολακέναι Πλάτωνι καὶ πλεῖστον εἰς τοὺς λόγους ὠφελῆσθαι: Cic. orator § 14 *quod idem de Demosthene existimari potest cuius ex epistulis intellegi licet quam frequens fuerit Platonis auditor.*

l. 17. pronuntiare] i.q. exponere stilo, enarrare, 'to propound.'

l. 18. ornate facere potuisse] 'that he might have done so' i.e. *pronuntiare.* This vicarious use of *facere* with or without the pronoun of reference, where it is employed as an equivalent to the verb which has immediately preceded, is very common. § I, l. 7 *coniunxi neque id in philosophiâ solum feci*, III § 62, de orat. II § 32. Similarly in Greek τοῦτο or ταῦτα δρᾶν, as in Thucyd. II 49 καὶ πολλοὶ τοῦτο ἔδρασαν (ἔρριψαν ἑαυτοὺς) καὶ εἰς φρέατα: where the construction of the verb is retained. Comp. ib. V 70, VI 83. *Potuisse* is used because in the *oratio directa* it would have been expressed by *Demosthenes potuit*, Madvig Gr. § 409, § 348 e.

l. 19. Aristotele] Cp. de div. II § 3 Aristoteles *itemque Theophrastus, excellentes viri cum subtilitate tum copia, cum philosophia dicendi etiam praecepta coniunxerunt;* orat. § 62 *quanquam et philosophi quidam ornate locuti sunt...si quidem et Theophrastus divinitate loquendi nomen invenit et* Aristoteles *Isocratem ipsum lacessivit, et Xenophontis voce Musas quasi locutas ferunt et longe omnium, quicumque scripserunt aut locuti sunt, exstitit et suavitate et gravitate princeps Plato; tamen horum oratio neque nervos neque aculeos oratorios ac forenses habet:* Tusc. I 4, 7, de orat. III § 141 *itaque ipse* Aristoteles, *cum florere Isocratem nobilitate discipulorum videret, quod ille suas disputationes a causis forensibus et civilibus ad inanem sermonis elegantiam transtulisset, mutavit repente totam fortunam prope disciplinae suae versumque quendam Philoctetae paulo secus dixit. Ille enim turpe sibi ait esse tacere cum barbaros, hic autem cum Isocratem pateretur dicere.* The line referred to was αἰσχρὸν σιωπᾶν, βαρβάρους δ' ἐᾶν λέγειν.

l. 20. alterum] =*alterius studium*, n. to § 76, l. 5, 'undervalued the other's' i. e. Isocrates never tried how he could succeed in philosophy, nor Aristotle how he could succeed in rhetoric. Cic. orator § 13 speaks of *eloquentia haec forensis spreta a philosophis et repudiata:* and again *doctis eloquentia popularis et disertis elegans doctrina defuit.*

CHAPTER II

l. 21. *Sed* is used as Gr. δ' οὖν in passing on to a new point, P. S. Gr. p. 319, Zumpt Gr. § 739. 'I say, having resolved to write something to you at the present time and a great deal more hereafter, I desired above all to begin with a subject best fitted to your youth and most becoming my authority as a father.' [Accordingly I chose ethics as my subject]; 'for etc.' Comp. Epist. ad Attic. XV 13 τὰ περὶ τοῦ καθήκοντος *magnifice explicamus* προσφωνοῦμενque *Ciceroni. Qua de re enim potius pater filio?* and XVI II quoted above § I.

l. 23. quod esset] the subjunctive is used with the relative consecutively in a generic sense, 'of such a kind as.'

l. 24. cum multa sint] For the subjunctive after *cum* concessive= 'whereas,' 'although' see P. S. Gr. p. 466 n, Madvig Gr. § 358 obs. 3, Roby Gr. II 1730.

l. 26. latissime patere] ad omne vitae genus, tempus ac munus pertinere. H. Comp. I §§ 20, 24, 26, 51, II § 54 etc.

l. 28. forensibus] in a wider sense, opposed to *domesticis*, as *foris* is to *domi.* Comp. Ep. ad Attic. I 17, 6 *non forenses res, non domesticae carere diutius tuo suavissimo atque amantissimo consilio ac sermone possunt,* de fin. II § 77 *sententiam aliam domesticam, aliam forensem.*

l. 29. si tecum agas quid] =si solus fueris. H. compares Vergil georg. I 389 *et sola in sicca* secum *spatiatur arena*, IV 465 *te, dulcis coniunx, te solo in litore* secum......*canebat.*

§ 5, l. 32. quaestio] =*argumentum*, 'subject of enquiry.'

l. 33. nullis officii praeceptis tradendis] h. e. *ita ut nulla a se officii praecepta tradantur*, 'without laying down any rules of duty.' Comp. Matthiae on Cic. pro Mur. § 17 *qui non modo Curiis—antiquis illis, fortissimis viris, sed his recentibus*—commemorandis *iacebant*, where commemorandis=*quamquam Curios etc. commemorabant*, Cat. III 3, 6, Zumpt Gr. § 643, Nägelsbach lat. Stil. p. 100, P. S. Gr. p. 498 n, Madv. Gr. § 416, obs. 1, who says 'sometimes the abl. of the gerundive and gerund denotes rather the way and manner (*while*, so that something takes place at the same time).

l. 34. non nullae disciplinae] 'some sects of philosophers.' He refers to the Epicureans and Cyrenaics, upon whose principles no man can live honestly and virtuously, III § 35, de orat. III § 62, Tusc. V c. 30, de fin. II § 35 *tres sunt fines expertes honestatis, unus Aristippi vel Epicuri, alter Hieronymi, Carneadis tertius, tres in quibus honestas cum aliqua accessione, Polemonis, Calliphontis, Diodori, una simplex, cuius Zeno auctor, posita in decore tota, id est in honestate. Nam Pyrrho, Aristo, Erillus iam diu abiecti. Reliqui sibi constiterunt, ut extrema cum initiis convenirent, ut Aristippo voluptas, Hieronymo doloris vacuitas, Carneadi frui principiis naturalibus esset extremum.* See on III § 12.

l. 35. propositis bonorum et malorum finibus] h. e. positis constitutisque iis quae summi boni malive loco habeantur. 'There are some sects, that by wrong stating the ends of good and evil (i. e. the highest good and the greatest evil: cp. Cic. de fin. III § 26) pervert all civil duty, friendship, justice, liberality, fortitude. For he that separates the chief good from virtue and honesty, and measures it by his own profit, (if he is constant to his principle and is not sometimes overcome by good nature,) can neither be friendly, just nor liberal; neither can he be courageous who declares pain the greatest evil; nor temperate, who maintains pleasure to be the greatest good...These sects, if they are consistent with themselves, can have nothing to say about civil duty...That subject solely belongs to Stoics Academics and Peripatetics.' Bentley *Remarks upon a late Discourse of Free Thinking* (Works, Vol. III p. 401).

P. 5, l. 4. si sibi ipse consentiat] 'if he be consistent.'

et non] 'and not rather.' Cp. Tusc. disp. I § 13, III § 37.

naturae bonitate vincatur] h.e. '*natura victus cui obsisti non potest*' as it is expressed de fin. II § 49, comp. II § 58 *plusque rectam naturam quam rationem pravam valere.* The meaning is 'as long as he acts in conformity with his own principles and is not overruled by his natural inclination to good.'

l. 7. fortis vero—aut temperans are the two predicates corresponding to the subjects *iudicans...statuens.*

§ 6, l. 9. in promptu] 'obvious' I § 61 II § 63, Lucret. de r. n. II 246 *in promptu manifestumque esse videmus.*

l. 10. alio loco] de fin. II c. 12 ff., 15 § 48, 19 § 62, 24 § 78, 35 § 117, de off. III § 117, and the last two books of the Tusc. disp.

l. 12. praecepta firma...naturae] *firma* means 'fixed,' 'permanent;' *stabilia* 'subject to no change,' 'unalterable;' *coniuncta naturae*=convenientia naturae, ὁμολογούμενα φύσει, 'in harmony with nature,' i.e. with the dictates and rules of right reason, 'rational.' See Introd. § 14.

l. 13. aut ab iis qui solam, aut ab iis qui maxime etc.] i.e. either by the Stoics or by the Academico-Peripatetic philosophers, de legg. I § 37. The Stoics were so called because their founder Zeno of Citium (B.C. 280)

opened his school in the Portico adorned with the paintings of Polygnotus, (στοὰ ποικίλη) at Athens; the Academics, as Cicero says Acad. I § 17, because *Platonis instituto in Academia, quod est alterum gymnasium, coetus erant et sermones habere soliti, e loci vocabulo nomen habuerunt.* The former held *τὴν ἀρετὴν δι' αὑτὴν εἶναι αἱρετήν, οὐ διά τινα φόβον ἢ ἐλπίδα ἤ τι τῶν ἔξωθεν, ἐν αὐτῇ τε εἶναι τὴν εὐδαιμονίαν* (Diog. Laert. VII § 89), that the pleasure arising from a life of virtue was its natural result (*ἐπιγέννημα τοῦ ἀγαθοῦ*) and not the end and aim of virtuous conduct. The Academics and Peripatetics considered that though moral goodness (*honestas*) was the chief thing, there were other things besides virtue to be desired in and for themselves as *συμπληρωτικὰ τῆς κατὰ φύσιν τελειότητος* 'necessary ingredients to a perfect nature,' such as riches, health, friends, &c. Cp. III § 20, Acad. II § 134, de fin. II § 19.

l. 15. praeceptio] 'the giving of precepts.'

l. 16. Aristonis, Pyrrhonis, Erilli] Aristo of Chius (B.C. 260) and Erillus of Carthage were Stoics, Pyrrho of Elis was the founder of the school of the Sceptics. They agreed in considering all external things indifferent (*ἀδιάφορα* de fin. IV. 16, 53, Ac. II § 130), not to be reckoned among things good or evil. 1. Pyrrho taught this by denying all grounds of truth. For, if in the case of our objects of thought there is never any reason for considering them, or any one of them, true rather than false, then of course there is never any true ground for asserting that any external object is good or a proper object of desire or preference. 2. Aristo, like Erillus, deviated from Zeno, their common teacher and the founder of their sect. He rejected all parts of philosophy except ethics, and even limited the domain of ethics itself, for he taught that its object is not to treat of particular duties and encouragements to virtue, but that it is the province of the philosopher to shew wherein the supreme good consists. With Aristo nothing is of worth but virtue, nothing is evil but vice. He seeks to refute the opinion that there is such a difference in external things that one is preferable to another (Ritter and Preller 358, Introd. § 22). 3. Erillus, a pupil of Zeno, limits the *summum bonum* of the Sage to science (*ἐπιστήμη*) and knowledge. He considers practical life, which is occupied about external things, as simply necessary and denies it to be beautiful, on the ground that it does not contribute anything to the supreme good. This principle, common to these three philosophers, strikes at the root of practical morality: it takes away all *dilectus rerum*, 'difference or power of choosing between things, all materials for virtue to act upon,' by which means there is left no *aditus ad inventionem officii*, 'no way of finding out what is our duty.' For how can that Prudence, which is seen in wisely choosing one thing before another, have any place, if all things are equally in themselves indifferent? And if there be no difference between sickness and health, riches and poverty, and it is as good for a man to be in one as in the other of these, this takes away all obligations of assisting those that are in sickness or want, seeing that, according to this opinion, they are not any wise in a worse condition than the healthy or rich. And by consequence, all Justice and Beneficence, etc. must fall to the ground. Comp. Cic. fragm. p. 481 ed. Or. Aristo *praefractus, ferreus, nihil bonum, nisi quod rectum et honestum est, esse contendit;* de fin. III § 11 Aristo *et* Pyrrho *omnia exaequant;* ib. § 12 *iis honestum non summum modo sed etiam solum bonum videtur;* Acad. II 42, 130 Aristo, *cum Zenonis fuisset auditor, re probavit ea quae ille verbis, nihil esse bonum nisi virtutem, nec malum nisi quod virtuti esset contrarium; in mediis ea momenta, quae Zeno voluit, nulla esse censuit;* de fin. V 25, 73 *multa dicta sunt ab antiquis de contemnendis ac despiciendis rebus humanis: hoc unum* Aristo *tenuit; praeter*

vitia atque virtutes negavit rem esse ullam aut fugiendam aut expetendam: IV 16, 43 *mihi videntur omnes quidem illi errasse, qui finem bonorum esse dixerunt honeste vivere, sed alius alio magis,* Pyrrho *scilicet maxime, qui, virtute constituta, nihil omnino quod appetendum sit relinquat, deinde* Aristo, *qui nihil relinquere non est ausus, introduxit autem, quibus commotus sapiens appeteret aliquid, quodcumque in mentem incideret et quodcumque tamquam occurreret;* ib. 17, 47 Aristonis *explosa est sententia, dicentis, nihil differre aliud ab alio nec esse res ullas praeter virtutes et vitia, inter quas quidquam omnino interesset;* ib. § 49, § 60; II 13, 43 *quae* (sc. *prima naturae*) *quod* Aristoni *et* Pyrrhoni *omnino visa sunt pro nihilo, ut inter optime valere et gravissime aegrotare nihil prorsus dicerent interesse, recte iam pridem contra eos desitum est disputari;* de legg. I 13, 38 Aristonis *difficilis atque ardua, sed iam tamen fracta et convicta secta, quae virtutibus exceptis atque vitiis cetera in summa aequalitate ponit,* ib. 21, 55, de fin. II 11, 35 Aristo Pyrrho Erillus *iam diu abiecti,* ibid. V 8, 23, Tusc. disp. V 30, 85, Acad. II 42, 130 Pyrrho (censet) *media ne sentire quidem sapientem, quae ἀπάθεια nominatur,* de fin. II 13, 43 Erillus *ad scientiam* (i.e. vitam sapientiae consentaneam) *omnia revocans unum quoddam bonum vidit, sed nec optimum nec quo vita gubernari possit. Itaque hic ipse iam pridem est reiectus:* ib. V § 73 *saepe ab Aristotele, a Theophrasto mirabiliter est laudata per se ipsa rerum scientia; hoc uno captus* Erillus *scientiam summum bonum esse defendit nec rem ullam aliam per se expetendam:* Acad. II § 129 Erillus *in cognitione et scientia summum bonum ponit; qui cum Zenonis auditor esset, vides quantum ab eo dissenserit et quam non multum a Platone,* de fin. V 8, 23 Erillus, *si ita sensit nihil esse bonum praeter scientiam, omnem consilii capiendi causam inventionemque officii sustulit.*

l. 17. iam pridem explosa] 'has long since been rejected,' de fin. II § 43 *iampridem* (sc. post Chrysippum) *contra eos desitum est disputari,* ib. IV ch. 25. *Explodi* is properly applied to actors being 'hooted off the stage.'

l. 22. interpretes] 'translators,' 'expositors,' cp. de fin. I § 6 *nos non* interpretum *fungimur munere sed tuemur ea quae dicta sunt ab iis, quos probamus, eisque nostrum iudicium et nostrum scribendi ordinem adiungimus.* The first treatise περὶ τοῦ καθήκοντος emanated from the pen of Zeno of Citium (Diog. Laert. VII 4, 108): Cleanthes wrote on the same subject in three books (ib. 175), Chrysippus (Sext. Empir. III Pyrrh. Hypot. 25), who was followed by Diogenes of Babylonia, Antipater of Tarsus (III § 51, § 91); by Panaetius and his pupils, viz. Hecato (III § 63, 89), Posidonius, Cicero's master (I § 159, III § 8; Ep. ad Att. XVI 11, 2), and Antipater of Tyre (II § 86). Cicero gives his reasons for preferring the opinions and doctrine of the Stoics to those of the Academics and Peripatetics in III § 20. The two first Books of this work are, he says, mainly a translation from the most complete treatise on the subject extant, viz. that of Panaetius. See III § 7, Ep. ad Att. XVI 11, 2, Aul. Gell. noct. Att. XIII 16.

l. 23. quantum quoque modo videbitur] h. e. quatenus et qua ratione nobis placuerit. Z.

§ 7, l. 26. definire] 'to fix the meaning of the word.' Some commentators accuse Cicero of not having fulfilled this promise, others again suppose that the passage which contained the definition has been lost. But though he has not given a generic definition, he has defined each *species* separately. The definition given de fin. III 17, 58 (*est actio talis, ut ratio postulet agere aliquid et facere*) applies to what he calls *medium officium, quod nec in bonis ponatur nec in contrariis,* see § 8 l. 8 n. The definition given in Diogenes Laertius VII 107 is *καθῆκον, ὃ πραχθὲν εὔλογόν τινα ἴσχει ἀπολογισμόν.*

l. 27. Panaetio] Introd. § 29.

l. 28. quae a ratione suscipitur] 'which is undertaken from some principle,' 'upon some systematic plan,' as Bonnell understands it. Cp. Lucretius I 935 *id—non* ab *nulla ratione videtur*, where Munro compares Livy X 31 6 *ab ultima iam dimicantibus spe;* Cic. Ep. ad Fam. XI 10 *a certo sensu et vero iudicas de nobis:* de fin. V 7, 19 *alii rursus iisdem a principiis omne officium referunt aut ad voluptatem;* Balbus ap. Cic. ad Att. IX 7 *illud certe scio me ab singulari amore ac benevolentia...tibi scribere.* Beier and Heine omit the preposition and take *ratione* to mean 'methodically,' 'systematically,' as II § 72: but in that meaning it is usually found coupled to *via*, as in de fin. I 9, 29, II 1, 3, III 5, 18; orat. III 10.

l. 29. proficisci a] 'to start with.' Cp. pro leg. Man. c. 2 *atque ut* inde *oratio mea proficiscatur unde haec omnis causa ducitur;* epist ad Fam. IX 14 *ornandos esse illos viros* a quibus *initium libertatis profectum est.*

l. 30. The Stoic definition of virtue should have followed, which would probably have been *omne igitur quod ratione actum est officium appellamus*, according to that given in Diog. Laert. VII 107 quoted above l. 26: see Introd. § 19.

CHAPTER III

§ 7, l. 31. omnis de officio duplex est quaestio] In any treatise upon *officium* we must have regard to the two meanings of the word viz. (1) 'abstract duty' and (2) 'a special duty.' Special duties are what Cicero proposes to consider in these books. Seneca has the same division ep. 94, 1: —*eam partem philosophiae quae dat propria cuique personae praecepta* and *ipsa decreta philosophiae constitutionemque boni.* The same division is indicated also in Tusc. V § 68 *in discriptione expetendarum fugiendarumque rerum et in ratione vivendi.*

l. 32. finem bonorum] the *summum bonum*, 'the highest attainable good.'

l. 33. positum est in praeceptis] i.e. versatur in praecipiendo.

quibus—possit] § 4 l. 23.

l. 34. superioris generis] sc. quaestionum.

P. 6, l. 1. omniane officia perfecta sint] Introd. § 21.

l. 4. ea—minus id apparet] i.e. referuntur illa quidem (officia) ad finem sed ad eius vim naturamque nihil pertinent, propterea quia non sunt proprie κατ' ἀρετὴν ἐνεργήματα neque igitur ἀγαθὰ τελικά. Cp. de fin. V 23, 68 *nec vero umquam summum bonum assequi quisquam posset, si omnia illa, quae sunt extra, quamquam expetenda, summo bono continerentur.* Sed tamen referuntur ad summum bonum, hac videlicet ratione, quod ea quae externa sunt, iis tuemur officiis, quae oriuntur a suo cuiusque genere virtutes. BE.

§ 8, l. 8. alia divisio] It will appear below that this division coincides essentially with the other. The Stoics divided τὰ καθήκοντα into τέλεια (*perfecta*) and μέσα (*media*) i.e. duties, the simple performance of which was neither good nor bad in itself, i.e. only as done with a virtuous intention or the contrary. See de fin. III 17, 58. The τέλεια καθήκοντα they named κατορθώματα, which Cicero translates by *recte facta* or *recta*. Duties of the second class he styles *communia*, as those which concern mankind in general. This class was called simply τὸ καθῆκον by the Stoics, and by Cicero, in imitation of them, *officium*. The latter word has therefore two meanings according as it includes τὸ κατόρθωμα, the highest standard of duty, or is limited to the second class of duties (*media*). See Introd. § 20. Heine and other commentators pronounce the whole of this section to be spurious on the following grounds: (1) it is strange that Cicero in III 3, 14, where he gives exactly the same definition, does not refer to this passage; (2) § 9 follows closely upon § 7 *de quibus est nobis his libris explicandum;* (3) the whole is a clumsy and awkward combination of two passages, one in de off. III 3, 14, the other in de fin. III 17, 58 *est autem officium, quod ita factum est, ut eius facti probabilis ratio reddi possit; ex quo intellegitur officium medium quiddam esse, quod neque in bonis ponatur neque in contrariis. Quoniam enim videmus esse quiddam, quod recte factum appellemus, id autem est perfectum officium cet.* Even in his most careless mood Cicero, they say, would not have written so indistinctly.

l. 10. rectum, opinor, vocemus] cp. de fin. III § 24 *quae nos aut recta aut recte facta dicamus, si placet, illi autem appellant* κατορθώματα, *omnes numeros virtutis continent;* ib. § 59 *videmus esse quiddam, quod recte factum appellemus, id autem est perfectum officium.*

l. 11. hoc autem commune officium vocant] Heusinger and Zumpt reject καθῆκον which most Editors insert after *commune* as wanting authority, and make *officium*, the corresponding Latin word, its substitute. 'But this common duty (i.e. that which men commonly mean when they speak of duty, or which men ordinarily are capable of discharging) they call *officium*.' Heusinger, however, refers *hoc* to *medium officium* above, and connects *commune* with *officium* in the predicate, the expression being then equivalent to μέσον καθῆκον. Orelli retaining καθῆκον brackets *officium*.

l. 12. sic definiunt, ut—definiant] comp. § 96 l. 36 *eam sic definiunt, ut—velint esse;* III § 20 l. 15 *licentiam dat—ut liceat.*

§ 9, l. 16. nam aut] Instead of a corresponding *aut* there follows *tum autem* in l. 19, and then *tertium dubitandi genus* in l. 24.

l. 17. dubitant] i.q. *cogitant, deliberant*, 'they make it a *subject* of question,' 'consideration.' Cp. Verg. Aen. IX 191 *percipe porro quid* dubitem, Cic. pro Rosc. Amer. 31 *restat ut hoc dubitemus uter potius Sextum Roscium occiderit.*

l. 19. anquirunt] '*Anquirunt* ipsi secum, *consultant* cum aliis' says Zumpt, though *consultare* does not necessarily imply 'deliberation conjointly with others;' just as *disputare* means not only 'to argue with another' but also 'to reason on a subject philosophically.' *Anquirunt* refers rather to an investigation of the grounds and arguments, *consultant* to deliberation, '*mit sich zu Rathe gehen*' as Heine translates it.

l. 21. facultates rerum] *Facultas* (II § 1 l. 6) means *facilitas utendi*, 'control over property,' hence 'possession' which this control implies. Translate 'the command of the necessaries of life and still more the abundant supply of resources.' Cp. I § 22, II § 15. *Opes* 'influence,' (Germ. '*einfluss*'), the means of accomplishing an object by the aid of friends and dependents: *potentia* (Germ. '*macht*'), ability to force or injure others with impunity.

l. 23. in rationem utilitatis cadit] 'comes under the province or category of,' 'is a question of,' 'expediency:' § 76 l. 18 *ex domestica est ratione.*

l. 26. revocare ad se] an expression peculiarly appropriate to the gentle control exercised by virtue, as opposed to *ad se rapere.* The same distinction exists between *trahere* and *ducere*, § 18 l. 24.

l. 27. adferatque] sc *ad deliberationem*, 'brings to it,' 'employs.' Cp. de orat. III § 45 *sono ita recto, ut nihil ostentationis adferre* videatur.

§ **10**, **l. 29.** **duo praetermissa sunt**] i.e. designedly by Panaetius, who could not consistently with the doctrines of his sect admit that there were degrees in good and evil. Cicero could not omit them because he is now considering not the *perfectum honestum* of the Stoics, but *similitudines honesti, quasi secunda quaedam honesta* (III § 13). See Introd. § 29.

l. 32. **ita**] 'consequently;' cp. § 6 l. 15, § 10 l. 30.

P. 7, l. 1. **rationem**] rem quatenus via et ordine tractatur. Z.

l. 2. **pari ratione**] i.e. *dupliciter.* He first treats of περὶ τοῦ ἄνευ περιστάσεως καθήκοντος, and from the 25th Chapter of Book II περὶ τοῦ κατὰ περίστασιν καθήκοντος.

CHAPTER IV

§ **11**, **l. 4.** **Principio**] 'first of all,' 'at the outset of our enquiry,' not, as some understand, 'in the original formation of things.' Cp. I § 126, III § 21 and see Introd. § 12.

l. 9. **commune**] for *communis*, ep. ad div. VI 21 *omnium rerum mors extremum*. For *autem*, 'again' 'moreover,' Baiter and Heine read *item*.

l. 12. **beluam**] *bestia* is the usual word to express the antithesis between man and the brute creation: *belua* has the accessory notion of monstrous size.

l. 13. **tantum quantum**] 'just so much and no more,' 'neither more nor less than:' so § 130, l. 30 *tantum quae*, Juv. XIV 233 *nemo satis credit tantum delinquere, | quantum permittas:* Lactant. Inst. III c. 5, 4 *tantum quantum opus est sapit:* cp. Bentley to Horace Sat. I 1, 59 *qui tantuli eget quantum est opus.* Tusc. d. I § 29: *sed qui nondum physica didicissent, tantum sibi persuadeant, quantum natura admonente cognoverant.*

l. 14. **quod adest quodque praesens est**] Heusinger and others interpret *adest* as referring to place, *praesens* to time. Bonnell and Beier make both phrases refer to time, since *praeteritum* and *futurum* which follow can have no other reference. *Praesens* seems to strengthen the idea of presence in a local and temporal sense, de orat. II 47, 196 *cum C. Marius maerorem orationis meae praesens ac sedens multum suis lacrimis adiuvaret*, de fin. I § 55 *nam corpore nihil nisi praesens et quod adest sentire possumus*, Tusc. IV 7, 14 *quod sit ex usu iam praesens esse atque adesse.*

l. 17. **consequentia cernit**] 'marks, so as to distinguish, the chain of consequences.'

l. 18. **earumque**] sc. *causarum*. causarum progressus dicit, quo ordine, qua ratione alia aliam pariat, antecessiones quo pacto alia ex alia genita sit, ordinem igitur causarum prorsus retrorsus euntem; *der Zusammenhang der Ursachen vorwärts und rückwärts.* Z. Cp. de div. I § 125 *ordinem seriemque causarum, cum causae causa nexa rem ex se gignat;* ibid. § 127 *qui colligationem causarum omnium perspiciat animo.*

§ **12**, **l. 21.** **eademque natura etc.**] Cp. a very similar passage in de fin. II 14, 45 *eademque ratio fecit hominem hominum appetentem cumque iis natura et sermone et usu congruentem, ut profectus a caritate domesticorum ac suorum serpat longius et se implicet primum civium, deinde omnium mortalium societate atque...non sibi se soli natum meminerit, sed patriae, sed suis;* ib. III 19, 63 *natura sumus apti ad* coetus, *concilia, civitates*, ib. IV 2, 4, de off. I § 50, and see Introd. § 11.

l. 26. **coetus et celebrationes**] *coetus* is the most general expression for a 'meeting' of people and contains no intimation of an object: *celebrationes* (=*frequentationes*) implies a large meeting for some special object, such as the performance of sacred rites, games etc. *A se obiri velit*=se obire velit.

l. 28. **suppeditent**] i.q. *suppetant*, 'may suffice,' intransitively as in Liv. VIII 13 *materia crescendi per summam gloriam suppeditat*, Lucr. I 547 *materies ut suppeditet rebus reparandis*, Plaut. Asin. II 4, 17 *non queo labori suppeditare*, Terent. Eunuch. V 8, 46 *ut tuo amori suppeditare possint sine sumptu tuo omnia haec;* de orat. III § 124 *in hoc igitur tanto...campo facile suppeditat omnis ornatus dicendi.*

ad cultum et ad victum] I § 106, II § 15.

l. 29. **tueri**] i.q. alere, sustentare, 'to support, maintain.' Zumpt compares parad. VI 1 where after saying *neminem esse divitem, nisi qui exercitum alere possit suis sumptibus...* he afterwards repeats his assertion by saying *tantum refici ex possessionibus ut eo* tueri *sex legiones et magna equitum ac peditum auxilia possis.*

§ **13**, **l. 32.** **investigatio—inquisitio**] investigatio implies a painful and laborious search after the truth, while we follow its occasionally concealed traces; inquisitio, the zealous endeavour to obtain a thorough insight into it. For the sentiment of the following clause cp. de fin. II 14, 46 *et quoniam eadem natura cupiditatem ingenuit homini veri videndi, quod facillime apparet, cum vacui curis etiam quid in caelo fiat scire avemus, his initiis inducti omnia vera diligimus, id est, fidelia, simplicia, constantia.*

P. 8, l. 1. **ex quo intellegitur etc.**] Cp. de fin. II 14 § 46 *et quoniam eadem natura cupiditatem ingenuit homini veri videndi, quod facillime apparet, cum vacui curis etiam, quid in caelo fiat, scire avemus, his initiis inducti omnia vera diligimus, id est fidelia, simplicia, constantia, tum vana, falsa, fallentia odimus, ut fraudem periurium malitiam iniuriam;* Tusc. disp. I 19, 44 *natura inest in mentibus nostris insatiabilis quaedam cupiditas veri videndi.*

l. 3. **adpetitio quaedam principatus**] 'a desire for independence.' Cp. de fin. II § 46 *eadem ratio habet in se quiddam amplum atque magnificum, ad* imperandum *magis quam ad parendum accommodatum.*

l. 4. **parere**] 'to be subject in a lower relation.'

l. 5. **informatus**] =*bene formatus*, 'well-fashioned,' 'put into shape,' a metaphor taken from statuaries, who are said *informare materiem*, when they begin to give shape to their designed figure. Plin. epist. VII 9 *et nunc* informet *Martem castamque Minervam*, Columell. II 2, 10 *sarmentis conexus velut funis* informabitur *in eam crassitudinem, quam solum fossae possit angustae quasi accommodatam coartatamque capere.* Others wrongly translate the word 'taught,' 'instructed.' Cp. de am. § 47 *animi bene constituti natura*, Hor. Od. II 10, 14 *bene praeparatum pectus.*

praecipienti]=νουθετοῦντι 'giving rules of conduct in life;' *docenti* 'teaching what is true.' Some edd. bracket *praecipienti*, on the ground that Cicero must have written *aut praecipienti et docenti aut etc.* For the sentiment Beier comp. Plat. Menex. p. 239 A ἡ ἰσογονία ἡμᾶς ἡ κατὰ φύσιν ἰσονομίαν ἀναγκάζει ζητεῖν κατὰ νόμον καὶ μηδενὶ ἄλλῳ ὑπείκειν ἀλλήλοις ἢ ἀρετῆς δόξῃ καὶ φρονήσεως, to which grounds Cicero adds a third, *utilitatis* (i.e. *communis*) *causa* 'the advantage of the community.'

l. 7. **humanarum rerum**] i.q. *externarum r.* § 66, 'the accidents of fortune,' 'the changes and chances of life.' See Introd. § 17.

§ **14**, **l. 11.** **itaque eorum ipsorum**] The order of the words is: *itaque*

nullum aliud animal sentit pulchritudinem, venustatem, convenientiam partium eorum ipsorum (in iis ipsis) *quae adspectu sentiuntur.*

eorum quae adspectu sentiuntur] 'the visible world.' The word *visibilis* does not seem to have been in use in Cicero's time.

l. 14. quam similitudinem] i. q. *cuius rei similitudinem;* cp. de fin. v 42 *quam similitudinem* (i.e. cuius rei simile aliquid) *videmus in bestiis,* de orat. II 53 *hanc similitudinem scribendi* (i.e. genus scribendi huic simile) *multi secuti sunt;* nat. d. II § 27 *quam similitudinem cernere possumus in iis aquis cet.* '*Similitudines transferre* est similia inter se comparare, quod in una re consentaneum est, id ad similem alteram accommodare eodemque modo de ea iudicare.' H. Cp. Plato Symp. c. 28, Cic. de fin. II § 47 *his tribus generibus honestorum notatis quartum sequitur et in eadem pulchritudine* (i.e. non minus pulchrum) *et aptum ex illis tribus, in quo inest ordo et moderatio. Cuius similitudine perspecta in formarum specie ac dignitate transitum est ad honestatem dictorum atque factorum.* Translate 'nature and reason conveying the likeness of this from the eyes to the mind,' i. e. transferring the idea of beauty and symmetry from the objects of sense to the attributes of the soul. On this Symmetry and Proportion in the Moral world cp. Berkeley's *Alciphron* Dial. III 3: 'To analyse virtue into its first principles and fix a scheme of Duty on its true basis, you must understand that there is an idea of Beauty natural to the Mind of Man. This all Men desire, this they are pleased and delighted with for its own sake purely from an instinct of Nature. A man needs no arguments to make him discern and approve what is beautiful: it strikes at first sight, and attracts without a reason. And as this beauty is found in the Shape and Form of corporeal things, so also is there analogous to it, a Beauty of another kind, an Order, a Symmetry and Comeliness in the moral world. And as the eye perceiveth the one, so the mind doth by a certain interior sense perceive the other; which sense, talent or faculty, is ever quickest and purest in the noblest minds. Thus as by Sight I discern the Beauty of a Plant or an Animal, even so the Mind apprehends the moral excellence, the Beauty and Decorum of Justice and Temperance. And as we readily pronounce a Dress becoming, or an Attitude graceful, we can with the same free untutored judgment at once declare whether this or that conduct or action be comely and beautiful. * * * * ' This moral beauty was known to the ancients by the name of *honestum* or τὸ καλόν.

l. 16. conservandum] The MSS vary between *conservanda, conservandam* and *conservandum.* Zumpt rightly prefers the last 'quia sic solet Cicero verbum ad proximum fere applicare.'

l. 18. lubidinose] = *licenter, pro lubitu* opposed to *ordo* as *indecore effeminateve* are to *pulchritudo* and *constantia* respectively.

l. 19. quibus ex rebus etc.] Cp. de fin. IV § 18 *his initiis et, ut ante dixi, seminibus a natura datis temperantia, modestia, iustitia et omnis honestas perfecte absoluta est:* i. e. in so far as *primo sapientiae commendamur ab initiis naturae* and from the same natural principles *officia proficiscuntur quae omnia eo referuntur ut adipiscamur principia naturae;* ibid. III § 22: v § 43 where he traces the source of the moral sentiments: *est enim natura sic generata vis hominis, ut ad omnem virtutem percipiendam facta videatur, ob eamque causam parvi virtutum simulacris, quarum in se habent semina, sine doctrina moventur: sunt enim prima elementa naturae, quibus auctis virtutis quasi germen efficitur.*

l. 20. id quod quaerimus] i.e. quod definire volumus, 'which is the subject of our enquiry.' A corresponding definition of *honestum* is given (probably taken from Chrysippus) de fin. II § 45 *honestum id intellegimus, quod tale est ut, detracta omni utilitate, sine ullis praemiis fructibusve per se ipsum possit iure laudari. Quod quale sit, non tam definitione, qua sum usus, intellegi potest* (*quamquam aliquantum potest*) *quam communi omnium iudicio et optimi cuiusque studiis atque factis, qui permulta ob eam unam causam faciunt, quia decet, quia rectum, quia honestum est, etsi nullum consecuturum emolumentum vident.*

l. 21. nobilitatum] i.e. multitudini probatum, 'would be honourable, even though not generally admired.' Nobilis (noscibilis) 'what may be known:' hence nobilitare is 'to make known,' 'to noise abroad,' cp. II § 26 *Phalaris cuius est inter ceteros nobilitata crudelitas.* The remark is aimed at Epicurus' assertion that if pleasure did not constitute the *honestum,* he did not know what else did, unless it might be something *quod esset populari fama gloriosum,* de fin. II § 48. Comp. ib. § 49 *philosophus nobilis...honestum quid sit, si id non sit in voluptate, negat se intellegere, nisi forte illud quod multitudinis rumore laudetur:* in which passage Cicero answers *Ego autem hoc etiam turpe esse saepe iudico et, si quando turpe non sit, tum esse non turpe, cum id a multitudine laudetur, quod sit ipsum per se rectum atque laudabile; non ob eam causam tamen illud dici esse honestum, quia laudetur a multis, sed quia tale sit, ut, vel si ignorarent id homines vel si obmutuissent, sua tamen pulchritudine esset specieque laudabile.* That is, *honestum* is so φύσει not θέσει. Cp. Plato de Rep. II p. 366 τοιόνδε τι ἀγαθόν, ὃ δεξαίμεθ' ἂν ἔχειν οὐ τῶν ἀποβαινόντων ἐφιέμενοι ἀλλ' αὐτὸ αὑτοῦ ἕνεκα ἀσπαζόμενοι: ib. p. 358 A concerning the popular notion of justice: δοκεῖ τοῖς πολλοῖς...τοῦ ἐπιπόνου εἴδους, ὃ μισθῶν θ' ἕνεκα καὶ εὐδοκιμήσεων διὰ δόξαν ἐπιτηδευτέον, αὐτὸ δὲ δι' αὑτὸ φευκτέον ὡς ὂν χαλεπόν: ib. p. 361 C, 363 A.

l. 22. a nullo] i. q. *nemine* which is very rarely used, Zumpt Gr. § 676.

CHAPTER V

§ 15, l. 24. Formam] Cp. de fin. II § 48 *habes undique expletam et perfectam formam honestatis, quae tota quattuor his virtutibus continetur,* de off. I § 103 *ut ad officii formam revertamur. Forma* embodies, *facies* personifies moral goodness.

l. 26. Plato] *Phaedrus* ch. 65, p. 250 D, ὄψις ἡμῖν ὀξυτάτη τῶν διὰ τοῦ σώματος ἔρχεται αἰσθήσεων, ᾗ φρόνησις οὐχ ὁρᾶται· δεινοὺς γὰρ ἂν παρεῖχεν ἔρωτας, εἴ τι τοιοῦτον ἑαυτῆς ἐναργὲς εἴδωλον παρείχετο εἰς ὄψιν ἰόν, thus translated by Cicero de fin. II 52 *oculorum est in nobis sensus acerrimus, quibus sapientiam non cernimus. Quam illa ardentes amores excitaret sui!* where Madvig observes on the present passage 'paulo neglegentius ab honesti verbo et notione orditur, quam ipse tractabat, in sapientiae quam Plato nominarat, desinit.' Heine after Gerhard brackets *sapientiae* as doubtful. But, as Zumpt remarks, by *sapientia* we are to understand knowledge of the '*honestum.*'

l. 29. rerum contractarum fide] 'faithful observance of contracts,' § 23 *dictorum conventorumque constantia:* § 53 *multis cum multis res rationesque contractae;* II § 40 *qui contrahendis negotiis implicantur,* § 64 *in omni re contrahenda, vendendo emendo, conducendo locando,* III 61 *tollendum ex rebus contrahendis omne mendacium.*

l. 31. ordine et modo] i.e. ordinis conservatione (εὐταξία) et moderatione.

l. 32. in quo inest modestia] 'which constitutes moderation.'

quae quattuor] sc. honestorum genera. See Introd. § 18. Cp. de

fin. v § 67 *atque haec coniunctio confusioque virtutum tamen a philosophis ratione quadam distinguitur. Nam cum ita copulatae conexaeque sint, ut omnes omnium participes sint nec alia ab alia possit separari, tamen proprium suum cuiusque munus est, ut fortitudo in laboribus periculisque cernatur, temperantia in praetermittendis voluptatibus, prudentia in dilectu bonorum et malorum, iustitia in suo cuique tribuendo;* Diog. Laert. VII 125, 126.

P. 9, l. 2. ex ea parte...inest] an anacoluthon. Cicero adapts the first part of the sentence to the verb in the preceding clause *nascuntur*, and then introduces another verb *inest*, requiring a different construction. Cp. III § 33 *ex superioribus libris satis multa praecepta sunt*, for *praecepta peti possunt*.

prima descripta] i.e. natura ac finibus suis a reliquis separata, 'set off from the rest,' 'placed foremost in our division.' See n. to § 51 and § 138 and cp. Nägelsbach lat. Stil. p. 277. *Sapientia* (σοφία) and *prudentia* (φρόνησις) are the moral qualities which correspond to the *perspicientia veri sollertiaque*, while *indagatio atque inventio veri* are the corresponding moral duties.

l. 5. eiusque virtutis] sc. *sapientiae et prudentiae*, which Cicero does not here distinguish as he does in § 153.

§ 16, l. 1. ut enim quisque—is] another example of anacoluthon, occasioned by the interposition of the relative clause *quique etc.;* otherwise *sic* or *ita* should have followed. Cp. II § 21.

l. 9. rite] = *recte*.

quocirca huic] sc. *virtuti;* wisdom is a virtue conversant with merely speculative truth, the other cardinal virtues are practical, Introd. § 28.

§ 17, l. 11. reliquis tribus virtutibus] sc. justice, fortitude, temperance, the field of which virtues is human needs, and whose business it is 'to create and preserve those things upon which the practical business of life (*actio vitae*) depends.' Thus justice has to do with the establishment and maintenance of society &c. See Madv. de fin. p. LXIV and cp. orat. part. § 76.

l. 13—l. 16. ut—eluceat] The objects of justice and fortitude are here described in general terms. *Societas hominum* is used in a wider sense than *coniunctio*, which refers rather to attachment of friends and relatives.

l. 16. ordo—conservabimus] There is no one word in Latin which corresponds precisely to the Gr. σωφροσύνη: Cicero therefore particularizes the virtues which together constitute it (as in § 93 *temperantia et modestia*, Tusc. III § 16 where he proposes to translate it by *frugalitas*), viz. *ordo* = εὐταξία 'orderly behaviour,' *constantia* 'regularity,' 'consistency of demeanour' (not 'firmness' = Gr. καρτερία), *moderatio* 'self-control.' These virtues and the like (i.e. all belonging to the head Temperance) have their sphere in that department of things to which (external) activity is to be applied, in which respect they differ from *sapientia*, whose duties (*indagatio atque inventio veri*) require *mentis agitatio* 'exercise of the intellectual powers,' 'mental exertion' only. The practical duty of Temperance is here stated as being *his rebus quae tractantur in vita modum quendam et ordinem adhibere*, its aim, *honestatem et decus conservare*.

l. 13. his rebus quae tractantur in vita] 'the ordinary business of life.'

CHAPTER VI

§ 18, l. 21. locis] i.q. partibus, § 44, § 65, § 152, III §§ 8, 9, 11, 13, 'heads,' 'divisions.'

honesti naturam vimque] h.e. ipsum honestum quatenus est per se nec refertur ad alia. On the meaning of *vis et natura* see § 101 l. 24 n.

l. 23. maxime naturam attingit humanam] i.e. naturae maxime est coniunctus, aptus, consentaneus, 'most closely touches,' 'is in the highest degree adapted to,' 'the nature of man;' comp. § 13 *imprimis hominis est propria veri inquisitio*. For this use of *attingo* comp. § 46, § 76, § 157, II § 72, de fin. V § 24, nat. deor. I § 22, Lactant. inst. II 12, 9, *haec mutas pecudes non attingit*. The Stoics and all of the school of Socrates considered the desire of truth as one of the natural impulses (ἀφορμαὶ παρὰ φύσεως). They interpreted φρόνησις as ἐπιστήμη ὧν ποιητέον καὶ οὐ ποιητέον καὶ οὐδετέρων, ἢ ἐπιστήμη ἀγαθῶν καὶ κακῶν καὶ οὐδετέρων, and made it consist of a number of subordinate virtues, as εὐβουλία, νουνέχεια, ἀγχίνοια. Cicero here speaks only (1) of circumspection in judgment, (2) of the false and true in knowledge, but § 143 he refers to this passage, as if he had spoken also of *prudentia*, 'practical wisdom.'

l. 24. trahimur et ducimur] ducimur volentes, trahimur inviti, trahimur naturae impetu 'by instinct,' ducimur rationis iussu 'by the dictates of reason.' Cp. pro Archia § 26: trahimur *omnes laudis studio et optimus quisque gloria ducitur. Trahimur ad cognitionis cupiditatem* for trahimur cupiditate ad cognitionem.

l. 26. labi, 'to judge wrongly,' **errare** 'to mistake the false for the true,' **nescire** 'to be altogether ignorant,' **decipi** 'to be led astray,' 'deluded,' the mark of a weak understanding.

l. 32. adhibebit] i.e. adhibere debet: cp. § 19 l. 11, § 45, § 86, § 159, II § 85, III § 31.

§ 19, l. 33. alterum est vitium] For the form of the sentence cp. § 66 *duabus rebus cernitur, quarum una—altera est res* §§ 141, 142; de orat. I § 123, *has causas inveniebam duas—Altera est haec*.

l. 34. multam] i.e. nimis multam, 'excessive.'

l. 35. easdemque non nec.] 'and also immaterial.'

l. 36. quod operae curaeque ponetur] 'the amount of pains and diligence that shall be laid out.' Cp. I § 137 quod acerbitatis *habet obiurgatio*, III § 67 quod vitii *venditor non dixisset sciens*. See Zumpt Gr. § 432, Madvig, Gr. § 285 *b*.

P. 10, l. 1. ut in astrologia G. Sulpicium audivimus] sc. operam curamque posuisse. Gaius Sulpicius Galus (*doctissimus homo, astrologiae peritus*, de rep. I § 21) was praetor B.C. 169, served as legate to L. Aemilius Paulus in the Macedonian war B.C. 167, became consul B.C. 166. He predicted an eclipse of the moon, which took place on the eve of the great battle in which King Perses was overthrown, and thus prevented the alarm which its unexpected appearance would have occasioned in the Roman army: de senect. 49 *mori videbamus in studio dimetiendi paene caeli atque terrae C. Galum, familiarem patris tui, Scipio. Quotiens illum lux noctu aliquid describere ingressum, quotiens nox oppressit cum mane coepisset! quam delectabat eum defectiones solis et lunae multo nobis ante praedicere;* Lael. § 101; cp. Liv. XLIV § 37, Plin. Nat. H. II 12, 9 *et rationem quidem defectus utriusque primus Romani generis in volgus extulit Sulpicius Galus, qui consul cum M. Marcello fuit, sed tum*

tribunus militum—pridie quam Perses rex superatus a Paullo est in contionem ab imperatore productus ad praedicendam eclipsin.

astrologia] 'astronomy,' the knowledge of the motions of the heavenly bodies, not the pretended 'art of foretelling future events by the aspect of the stars', de div. II § 87.

l. 2. in geometria S. Pompeium] Sextus Pompeius, brother of Cn. Pompeius Strabo (under whom Cicero once served), uncle of Pompey the Great, of whom we read Brut. § 175 *praestantissimum ingenium contulerat ad summam iuris civilis et ad perfectam geometriae et rerum stoicarum scientiam.*

l. 3. dialecticis] 'logic.' The singular substantive dialectica, ae is not used. Cp. Brut. § 31 *Stoicorum in dialecticis omnis cura consumitur*, ep. ad Attic. XIV 12 § 3 *homo remotus a dialecticis*, de orat. II § 157 *qui diceret artem se tradere bene disserendi et vera ac falsa diiudicandi, quam verbo graeco διαλεκτικὴν appellaret.*

l. 4. cuius studio abduci cet.] cp. c. 43, and see Introd. § 11.

l. 7. reditus] § 41.

tum agitatio mentis etc.] 'moreover our mental activity, which is never at rest, is enough of itself to keep us in the pursuit of knowledge, even without any active exertion on our part,' such as that of thinking, writing, reading, &c.

l. 11. versabitur] i. q. versari debet, § 18 l. 32.

l. 12. Ac de primo quidem officii fonte etc.] 'We have now said enough of the first source of duty: of the three which remain, the most extensive in its operation is the principle by which society is held together.'

CHAPTER VII

§ 20, l. 13. latissime patet] § 4. Cicero's division of the second cardinal virtue into *iustitia* and *beneficentia* corresponds to that in Diogenes Laertius VII 127 into *ἰσότης* and *εὐγνωμοσύνη*. Nothing is said of duty towards the gods. In Stobaeus p. 106 *εὐσέβεια* is reckoned as a subdivision of *δικαιοσύνη*.

l. 14. ratio] i. q. pars, locus, res, § 10 l. 1.

l. 15. vitae quasi communitas] he uses *quasi* on account of the novelty of the expression vitae communitas for the more usual vitae societas. Communitas is a word of rare occurrence except in the writings of Cicero, who uses it chiefly in his philosophical works. See I § 30, § 53, III § 69.

l. 16. in qua virtutis est splendor maximus] So Aristotle Eth. Nic. V 1, 9 *κρατίστη τῶν ἀρετῶν δοκεῖ εἶναι ἡ ἀρετή, καὶ οὔθ' ἕσπερος οὔθ' ἑῷος οὕτω θαυμαστός· καὶ παροιμιαζόμενοί φαμεν 'ἐν δὲ δικαιοσύνῃ συλλήβδην πᾶσ' ἀρετή 'στιν.'*

l. 17. ex qua viri boni nominantur] 'according to which men are called good men:' that is, which is the standard by which we measure the moral goodness of a man, so that vir bonus and vir iustus are convertible terms in popular language. See II § 38, I § 31 *iusto homine eoque quem virum bonum dicimus*, III § 73, Hor. Ep. I 16, 41. Observe that the subject to the verb is indefinite: *viri* and *boni* both belong to the predicate. Vir bonus in a political sense is either 'the patriot' or 'the aristocrat' (de leg. III § 20 *quid iuris bonis viris Ti. Gracchi tribunatus reliquit?*), in a legal sense 'the man of honour' (II § 38, III § 77), in a philosophical sense 'the righteous man,' 'the wise man,' cp. Tusc. V § 28 *omnibus virtutibus instructos et ornatos tum sapientis, tum viros bonos dicimus.* Sometimes it is used ironically, as II § 2 *ne quibusdam bonis viris philosophiae nomen invisum sit*, III § 39.

l. 21. nisi lacessitus iniuria] Cicero has been censured by the Fathers of the Church, Tertullian, Ambrosius, Lactantius, for admitting revenge as a justifiable mode of action: but Cicero does not say that we are to do harm for the gratification of private resentment; it may be, to prevent the recurrence of a precedent pernicious to society, cp. III § 76.

l. 22. pro communibus] i. q. tamquam communibus, non ut suis (privatis) magis quam aliorum omnium, 'as common property,' so as not to exclude others from the possession of what Nature has designed for the common benefit of all.

§ 21, l. 23. sed] sc. *privata facta sunt.*

l. 24. ut qui] i.e. ut occupatione tenent, qui *or* ut quae sunt eorum, qui.

l. 25. pactione] the most general term for a 'covenant:' **condicione**, 'a stipulation' requiring from the party with whom it is made some specific performance: **lege** has reference to the public distributions of land among colonists. **sorte**, 'e.g. si coheredes ita inter se communem hereditatem dividant.' H. Brut. in Cic. ad fam. XI 20, 3 *aequaliter aut sorte agros legionibus assignari puto oportere.*

l. 26. Arpinatium] For the termination see Zumpt Gr. § 66. Cicero selects these examples because he was a native of Arpinum on the one hand and had a villa at Tusculum on the other. *Ex quo* in both cases refers to the sentence *sunt privata aut vetere occupatione cet.*

l. 27. descriptio] 'the definition,' corresponding to *ut ager Arpinas Arpinatium dicatur.* The other reading *discriptio* means 'partition,' cp. § 51, § 96.

l. 28. quia—communia] 'because, in consequence of this division, some of those things, which by nature had been common property, become the property of individuals.' The order is: *quia eorum, quae natura fuerant communia, suum cuiusque fit* ('becomes each one's own, private property'), *id quisque teneat quod cuique optigit. Suus* has the sense of *proprius*, as in § 110 *admodum tenenda sunt sua cuique, non vitiosa sed tamen propria;* § 113 *id maxime quemque decet, quod est cuiusque maxime suum;* § 119 *ad suam cuiusque naturam consilium est omne revocandum;* II § 78 *ut sit libera et non sollicita suae rei cuiusque custodia;* ibid. *si habere suum cuique non licet:* III § 53 *num ista societas talis est, ut nihil suum cuiusque sit:* de fin. III § 67 *in urbe mundove commune non adversatur ius quominus suum quodque cuiusque sit. Quisque* occurs both in relative and demonstrative clauses, § 21, de rep. III § 18 *tribuere id cuique, quod sit quoque dignum.* See Nägelsbach p. 250 quoted by Professor Mayor Philipp. II p. 159, l. 21.

l. 30. e quo] refers to *quod cuique optigit.* **appetere** has the force of vehementer cupere, per vim invadere, corripere, 'to be greedy for.' The reading *eo...plus* which Orelli adopts is objected to by Zumpt, who remarks 'neque iniustum si qui sibi plus eo quod habet appetat sed si cui alteri detrahat.' For, as Quintilian says, *quidquid iure possidetur, iniuria aufertur.*

§ 22, l. 31. a Platone] ep. IX ad Archytam p. 358 A *ἕκαστος ἡμῶν οὐχ αὑτῷ μόνον γέγονεν, ἀλλὰ τῆς γενέσεως ἡμῶν τὸ μέν τι ἡ πατρὶς μερίζεται, τὸ δέ τι οἱ γεννήσαντες, τὸ δὲ οἱ λοιποὶ φίλοι.* Cp. de fin. II § 45 *atque ut*

ad Archytam scripsit Plato, non sibi se soli natum meminerit, sed patriae, sed suis, ut perexigua pars ipsi relinquatur.

l. 32. **ortusque nostri**] We often find in Latin two sentences or words, of opposite meaning, coupled by a conjunctive, not a disjunctive particle, where it is clear from the context that there is an opposition, e.g. § 59, § 64, § 92, § 122, III § 32. *Ortus* here='existence.'

l. 33. **ut placet...creari**] a mixture of two constructions *ut placet Stoicis, omnia creantur*, and *placet Stoicis omnia creari*, so that what should properly be the primary clause becomes the secondary. Cp. § 33, de nat. deor. II 94, de rep. I § 58 *si, ut Graeci dicunt, omnis aut Graios esse aut barbaros, vereor etc.*, Verr. IV 19, 40 *et tum primum, ut opinor, istum absentis nomen recepisse.* On the sentiment comp. de fin. III § 67 *praeclare enim Chrysippus, cetera nata esse hominum causa et deorum, eos autem communitatis et societatis suae*, de n. d. II § 37, § 154, Tusc. I § 69; Porphyr. de abst. III 20 p. 259 s. ed. Rhoer. ἀλλ' ἐκεῖνο νὴ Δία τοῦ Χρυσίππου πιθανὸν ᾗ, ὡς ἡμᾶς αὑτῶν καὶ ἀλλήλων οἱ θεοὶ χάριν ἐποιήσαντο, ἡμῶν δὲ τὰ ζῶα. [Contra Seneca de ira II 27 § 2: non enim nos causa mundo sumus hiemem aestatemque referendi: suas ista leges habent quibus divina exercentur. nimis nos suspicimus, si digni nobis videmur propter quos tanta moveantur. J. E. B. M.]

P. 11, l. 2. inter se] the phrase employed by the Romans in the absence of a proper reciprocal pronoun=ἀλλήλων, P. S. Gr. p. 495, Roby Gr. II 2306. Heine quotes a parallel for *aliis alii* from de nat. deor. I § 121 *ita fit ut ipsi di inter se ab aliis alii neglegantur.*

l. 4. **communes utilitates in medium afferre**] § 52 *semper aliquid ad communem utilitatem afferre:* comp. III § 31, Plato de rep. VII p. 519 E μεταδιδόναι ἀλλήλοις τῆς ὠφελείας, ἣν ἂν ἕκαστοι τὸ κοινὸν δυνατοὶ ὦσιν ὠφελεῖν.

mutatione officiorum] 'by an interchange of kind offices.' Heusinger and Zumpt connect *mutatione officiorum* with *devincire* 'to aid in strengthening the bonds of human society by the interchange of services.'

l. 5. **artibus**] cp. § 151.

§ 23, l. 8. dictorum] i.q. *promissorum*, cp. § 32 l. 9.

l. 10. **durius**] 'too far-fetched.' Cp. Tusc. III § 18. On the proposed derivation of *fides* he remarks elsewhere jocularly (ep. ad fam. XVI 10) *nostra ad diem dictam fient. Docui enim te fides quod ἔτυμον haberet*, where however, he is referring not to the present passage, but to a fragment of the de rep. Book IV preserved in Nonius, p. 24, 18: Fides *enim nomen ipsum mihi videtur habere, cum fit quod dicitur.* **Stoicos**] cp. de nat. deor. III 62 *in enodandis nominibus, quod miserandum sit, laboratis. Saturnus, quia se saturat annis, Mavors quia magna vortit cet.*

l. 16. **aut aliqua perturbatione**] 'or some other emotion. *Aliqua*=*alia qua*, for *ira* is a *perturbatio animi*, 'a disturbance of equilibrium in the reason.' cp. § 71 *valetudinis imbecillitate aut aliqua graviore causa*, de orat. II § 178 *iudicant odio aut amore aut cupiditate—aut aliqua permotione mentis.*

l. 18. **defendit**] i.e. propulsat, repellit, III § 74. **est in vitio**=vitiosus est, 'is in the wrong.' Cp. § 62 l. 20, *ea animi elatio in vitio est*, de fin. V § 31 *hoc quidem est* in vitio, *dissolutionem naturae tam valde perhorrescere*, de off. I § 42 *in eadem sunt iniustitia*, § 47 l. 21 *illud est in officio*, § 60 l. 32 *quae sunt in iure societatis humanae*, Tusc. IV § 17 *ut et in laude et in vitio nomen hoc sit*, ib. III § 19.

§ 24, l. 22. cogitat] i.q. *meditatur, volt.* So below § 27 *cogitata iniuria*, 'a premeditated wrong;' *cogitatio iniuriae* § 30. In this sense

cogitare takes the accusative as in Iuv. Sat. XIII 209: *nam scelus intra se tacitum qui* cogitat *ullum, facti crimen habet.*

l. 23. **nisi id fecerit**] i.e. nisi alteri nocuerit. See to § 4.

l. 24. **maximam partem**]=*plerumque, fere*, 'for the most part.' The subject of *aggrediuntur* is implied in this. See Zumpt Gr. § 459, and cp. § 28 l. 25.

l. 25. **in quo vitio**] sc. *iniuriae faciundae.*

CHAPTER VIII

§ 25. The second of the subdivisions of the first kind of injustice (§ 23) forms the subject of this chapter to the end of § 26, but only in a limited way, the discussion being confined to avarice and ambition as examples of the whole. Cicero states four reasons why men seek wealth: (1) *ad usus vitae necessarios*, (2) *ad perfruendas voluptates*, (3) *ad opes et gratificandi facultatem*, (4) *delectant etiam magnifici apparatus...cum elegantia et copia.*

l. 29. **opes**] 'power and influence.' Cf. I § 9, II § 64, § 86.

l. 30. **ut nuper M. Crassus negabat**] i.e. *ut* in *M. Crasso* qui *nuper negabat*, cp. for a similar brachylogy § 69, § 116, § 150. M. Licinius P. F. Crassus, the triumvir, surnamed Dives, sustained his defeat by the Parthians about 10 years (*nuper*) before this was written. His excessive avarice is alluded to by Cicero in several passages. See III § 73, § 75, de fin. III § 75 (*sapiens*) *rectius appellabitur dives quam* Crassus, *qui, nisi eguisset, numquam Euphraten nulla belli causa transire voluisset.* Cp. Pliny N.H. XXXIII 10 § 47 M. Crassus *negabat locupletem esse, nisi qui reditu annuo legionem tueri posset. In agris sestertium MM. possedit* (=200,000,000 sesterces=50,000,000 *denarii* in real estate), *Quiritium post Sullam divitissimus nec fuit satis, nisi totum Parthorum usurpâsset aurum:* Plutarch Crass. ch. 2 Ῥωμαῖοι μὲν οὖν λέγουσι πολλαῖς ἀρεταῖς τοῦ Κράσσου κακίαν μόνην ἐπισκοτῆσαι τὴν φιλοπλουτίαν· ἔοικε δὲ μία πασῶν ἐρρωμενεστέρα τῶν ἐν αὐτῷ κακιῶν γενομένη τὰς ἄλλας ἀμαυρῶσαι......ἐκεῖνο δὲ οὐκ εὖ, τὸ μηδένα νομίζειν μηδὲ φάσκειν εἶναι πλούσιον, ὃς οὐ δύναται τρέφειν ἀπὸ τῆς οὐσίας στρατόπεδον.

l. 31. **pecuniam**] 'property of any kind, personal or real.' Cp. pro Rosc. Am. § 6 *in alienam pecuniam, tam plenam atque praeclaram, invadere.*

l. 32. **fructibus**] i.e. annuo proventu s. reditu, 'income,' 'interest.'

l. 33. **magnifici apparatus**] 'fine establishments,' *apparatio* II § 56.

cum elegantia et copia] i.q. *elegans et copiosus*, Tusc. disp. II § 7 *lectionem sine ulla delectatione*, 'uninteresting reading,' ib. IV § 13 *sine ratione animi elationem*, ib. I § 51 *animus sine corpore*, de off. I § 40 *interitum cum scelere*, Brut. § 272 *e disciplina motus*, 'regular movement.'

l. 35. **nemini nocens**] i.e. modo nemini noceat, § 110, § 120.

P. 12, § 26, l. 3. imperiorum, honorum] 'military and civil offices.'

l. 4. **apud Ennium**] The quotation (probably from the *Thyestes*) forms the end and beginning of two trochaic septenarii.

l. 7. **latius patet**] ad plures res accommodari potest, in aliis etiam rebus fit. H. See n. to § 4.

l. 8. **contentio**] 'competition.'

l. 9. **servare sanctam societatem**] 'to maintain an inviolate fellowship.'

l. 10. modo] as *nuper* in § 25 said of a period of several years. In formal opposition to nuper it refers to a more recent period as Verr. IV 3, 6 *et quid dico nuper? immo vero* modo *ac plane paullo ante videmus.*

temeritas C. Caesaris] C. Julius Caesar was assassinated in the spring of the year in which Cicero wrote this Book. In other passages also Cicero expresses his abhorrence of Caesar's despotic acts, § 43, § 57, II § 2, § 23, § 27, § 84, and commends his murderers III § 19.

l. 12. est autem in hoc genere molestum cet.] cp. § 64 *sed illud odiosum est quod in hac elatione et magnitudine animi facillime nimia cupiditas principatus innascitur*, Tusc. I § 33.

§ 27, l. 16. perturbatione aliqua] 'some particular emotion' such as anger; comp. § 23, Tusc. IV § 10 *quae Graeci πάθη vocant, nobis perturbationes appellari magis placet quam morbos*, Acad. post. I § 38.

l. 18. ad tempus] i.e. ad exiguum tempus, de am. § 53 *coluntur tamen simulatione dumtaxat* ad tempus.

consulto et cogitata] 'designedly and with deliberate purpose.' For other instances of adjectives coupled to adverbs, cp. § 24 l. 22, I § 136 *ad hoc genus castigandi raro invitique veniemus*, ad fam. VII 22 *bene potus seroque redieram*, Liv. XXIII 24 *pauca ac modice locutus*, XXXVI 23, 4 *hoc et frequentes et impigre fecerunt*, II 30, 11 *effusi et contemptim pugnam iniere.*

l. 20. meditata] 'premeditated,' 'studied.' *Meditor* is one of those verbs which are used in the active and deponent forms alike. Those of most common occurrence are *arbitrari, comitari, contemplari, cunctari, experiri, fabricari, lacrimari, luctari, mentiri, mereri, metiri, misereri, periclitari, populari, puniri* (§ 88), *praeverti, tumultuari, velificari.* See Donaldson's Lat. Gr. p. 151, Zumpt Gr. § 632. Cp. Minucius Felix Octav. ch. XXV 12 *ubi magis a sacerdotibus quam inter aras et delubra conducuntur stupra, tractantur lenocinia, adulteria meditantur?*, Cic. de orat. I § 257 *accuratae et meditatae commentationes*, Philipp. II § 85 meditatum *et cogitatum scelus*, X § 6 *verbum* meditatum, *cogitatum.*

CHAPTER IX

§ 28, l. 25. nolunt] sc. *homines*, the indefinite subject as § 24, l. 25. **Neglegentia** is 'carelessness, indifference,' the opposite of *diligentia* which implies (1) 'separation,' 'selection,' hence (2) 'care,' 'exactness.' **pigritia**, 'natural sloth and indolence (§ 102);' **inertia**, 'inactivity' arising from want of skill or of moral principle.

l. 28. videndum est ne non satis sit] not as in § 43=*curandum est*, but =*verendum est*, 'there is reason to fear lest it be unsatisfactory;' Tusc. I § 83 vide *ne a malis dici verius possit*, III § 13 *videamus ne haec oratio sit hominum assentantium nostrae imbecillitati*, II § 43, IV § 50.

l. 29. in philosophos] not 'against,' but 'on,' i.e. concerning philosophers, de leg. I § 51 *quod item ad contrariam laudem in virtutem dici potest*, Brut. § 160 *extat in eam legem senior—quam aetas illa ferebat oratio*, ibid. § 164 *illa in legem Caepionis oratio*, de orat. II § 352 *cecinisset id carmen quod in eum scripsisset.* The passage referred to is from the VIth Book of the *Republic*, p. 485 F, where we meet with the doctrine, that the only proper ministers of state are Philosophers, because they are the only men who are free from ambition and selfishness.

l. 31. de quibus inter se digladiari solent] cp. Plato. rep. VII p. 520 D ὡς νῦν αἱ πολλαὶ (πόλεις) ὑπὸ σκιαμαχούντων τε πρὸς ἀλλήλους καὶ στασιαζόντων περὶ τοῦ ἄρχειν οἰκοῦνται.

l. 32. pro nihilo putent] § 71 l. 26 *gloriam contemnant et pro nihilo putent*, de fin. V § 72 *est philosophi non tam gloriosa quam vera quaerentis non pro nihilo putare ea, quae secundum naturam illi ipsi gloriosi esse fateantur.*

l. 33. inferenda—ini. et cet.] 'in the way of inflicting wrong,' cp. I § 76, II § 63. **in altero delinquunt]** i.e. peccant, dum non id efficiunt, quod efficere poterant. Z, 'as regards the second sort of justice (sc. that of omission) they are in the wrong.' See critical notes. Various attempts have been made to explain the reading of the other MSS, *in alterum incidunt.* The only possible explanation, as Zumpt remarks, is to understand *iniustitiae genus* with *alterum.*

P. 13, l. 3. putat] cp. Plato de rep. I p. 347 C δεῖ δὴ αὐτοῖς ἀνάγκην προσεῖναι καὶ ζημίαν, εἰ μέλλουσιν ἐθέλειν ἄρχειν. ὅθεν κινδυνεύει τὸ ἑκόντα ἐπὶ τὸ ἄρχειν ἰέναι ἀλλὰ μὴ ἀνάγκην περιμένειν αἰσχρὸν νενομίσθαι. Cp. also VII p. 519. **aequius erat]** 'it would have been better,' Zumpt Gr. § 518. **voluntate]** i. q. sponte. On *id fieri* see to § 4 l. 18.

l. 4. hoc ipsum cet.] 'even an action intrinsically right is just only if (on condition of its being) voluntary.' *Ita...si*, 'in the particular case...if:' so *ut* is used in correlation to *ita* § 88: see P. Sch. Gr. p. 473, II § 33, l. 2, III § 13 l. 31. Cp. Arist. Eth. Nic. II 4 § 3 τὰ κατὰ τὰς ἀρετὰς γιγνόμενα οὐκ, ἐὰν αὐτά πως ἔχῃ, δικαίως ἢ σωφρόνως πράττεται, ἀλλὰ καὶ ἐὰν ὁ πράττων πως ἔχων πράττῃ—ἐὰν προαιρούμενος καὶ προαιρούμενος δι' αὐτά; ibid. VIII c. 13 § 11 τῆς ἀρετῆς γὰρ καὶ τοῦ ἤθους ἐν τῇ προαιρέσει τὸ κύριον.

§ 29, l. 6. odio quodam hominum] from a morose, unsociable temper, like that of Timon of Athens, de amic. § 87.

l. 11. quoniam] The MSS have *quando* 'when,' which Zumpt and Heine retain, see n. to II § 58.

l. 13. contineretur] for the tense see II § 1 l. 1 n. **cuiusque temporis]** 'of each several occasion,' 'relation,' § 31, 59, 159.

l. 14. nisi nosmet ipsos valde amabimus] i.e. nisi nos communis φιλαυτία decipit (ad Att. XIII 13); 'we may easily form a judgment of our duty on each occasion, unless we are extremely selfish: for it is difficult to concern ourselves in other people's affairs,' because selfishness interferes to blind us, and we may easily persuade ourselves that their interests and our own are identical. Cp. ep. ad Quint. fr. III 8, 4 *quam se ipse amans sine rivali*, ad Att. IV 6 10, *et in eo me valde amo:* so se diligere de off. III § 31 *ne ipse de se bene existimans* seseque diligens *hanc causam habeat ad iniuriam.*

§ 30, l. 15. quamquam] in its adverbial use, 'and yet,' as though correcting himself: P. S. Gr. p. 481, Roby Gr. II 2215.

l. 16. Chremes] See Terence Hautont. I 1, 25, where Chremes expostulating with Menedemus for working so hard, the other tells him to mind his own business, to which he replies *homo sum: humani nihil a me alienum puto*, i.e. 'I am a man and therefore take an interest in the good or evil fortune of my fellow-men.' Such is the interpretation Cicero puts upon the line here and elsewhere also as in de leg. I § 33 where he says *quod si, quomodo est natura, sic iudicio homines* 'humani' *ut ait poeta* 'nihil a se alienum putarent, *coleretur ius aeque ab omnibus.* Cp. Senec. ep. 88 § 30 (of *humanitas*) *nullum alienum malum putat*, ep. 95 § 53: homo...puto. *ille versus et in pectore et in ore sit. Habeamus in commune, quod nati sumus. societas nostra lapidum fornicationi simillima est, quae casura, nisi in vicem obstarent, hoc ipso sustinetur:* Iuv. Sat. XV 142 *quis ulla*

aliena sibi credit mala? The line is usually misquoted as meaning that no man is free from the errors and calamities incident to humanity.

l. 20. **bene praecipiunt cet.**] *si tutius putas illud cautissimi cuiusque praeceptum,* says Pliny ep. I 18, quod dubitas ne feceris, *id ipsum rescribe.* The mere fact of any doubt arising is evidence enough of some injustice in the action, because self-love would always lead us to take the view most favourable to ourselves. On the omission of the indefinite subject before the infinitive cp. § 48 *iubet reddere Hesiodus,* Brut. § 15 *illud Hesiodium—quod eadem mensura reddere iubet, qua acceperis.*

l. 23. **cogitationem iniuriae**] § 24, l. 22.

CHAPTER X

§ **31**, l. 27. **ut**] 'as for example,' § 59 l. 19, § 84 l. 25, § 144 l. 15.

l. 28. **ea migrare**] properly 'to change one's abode,' hence in a moral sense 'to transgress,' 'go beyond.' So de leg. III § 11 *quod quis earum migrasset,* de div. I § 8 *communia iura migrare,* de fin. III § 67 *qui id conservaret, eum iustum, qui migraret, iniustum fore.*

l. 29. **quae posui principio**] 'which I laid down at the outset' of my discussion on justice, see ch. VII. This is a common use of *ponere* in Cicero, ep. I 9, 21 *quam ob rem, ut paulo ante* posui, *si essent omnia mihi solutissima, tamen,* Tusc. III § 13 *sed de omni animi, ut ego* posui, *perturbatione, morbo, ut Graeci volunt, explicabo,* ib. III § 16 *non enim verbo solum posuit voluptate,* Vergil Aen. V 623 *meque hoc ita ponere sentis.*

§ **32**, l. 33. **accidere promissum—ut**] the *ut*-clause does not depend upon *accidere,* but upon *promissum,* = *tale promissum ut.* Cp. § 159 *non potest accidere tempus* (tale), *ut intersit reipublicae quicquam illorum facere sapientem;* § 133 *nihil fuit in Catulis* (*eiusmodi*) *ut.*

l. 35. **ut in fabulis est**] Schol. Eur. Hipp. 1349 *εἰσὶ δὲ αἱ εὐχαὶ Θησέως πρὸς Ποσειδῶνα τρεῖς, πρῶτον ἀνελθεῖν ἐξ ᾅδου, δεύτερον ἐκ λαβυρίνθου, τρίτον Ἱππολύτου θάνατος,* cp. III § 94.

P. 14, l. 5. **nec, si plus tibi—noceant...contra officium est**] an instance of an ind. pres. verb of *duty* standing in apodosis with pres. conjunctive protasis, P. S. Gr. p. 471.

l. 7. **ut, si constitueris cuipiam**] 'for example, if you have made an appointment with any one.' Cp. Iuv. III 12 *hic ubi nocturnae Numa constituebat amicae,* pro Quinct. § 18, ep. ad Attic. I 7, de orat. I § 265.

advocatum] the term applied to any one who lent his aid, countenance, or advice, to a friend (1) in a legal business, (2) in any other kind of business, as a witness. Comp. Asconius on Cicero divin. p. 20 *qui defendit alterum in iudicio aut patronus dicitur, si orator est, aut advocatus, si aut ius suggerit, aut praesentiam suam commodat amico: aut procurator, si negotium suscipit* (sc. absentis), *aut cognitor, si praesentis causam novit et sic tuetur ut suam.* Thus in Plautus Casina III 3, 3 *contrivi diem dum adeo* advocatus *quosdam cognatos meos:* Amphitr. IV 3, 4 *AM. Blepharo, quaeso* ut advocatus *mi adsis neve abeas. BL. Vale. quid opust me* advocato, *qui utri sim* advocatus *nescio?—AM. quid ago, quem* advocati *iam omnes atque amici deserunt?*

Frequently a number of advocati called advocatio appeared on a man's behalf; Cicero speaks of an *advocatio togatorum* pro Caecin. § 43, pro Quinct. § 47 *nihil hoc tanto negotio, nihil tam invidioso iudicio, nihil tam copiosa advocatione uterer, si petendum esset,* pro Sext. § 119, pro Rosc. Com. § 15, Verr. I 49, pro Sull. § 81; comp. Liv. III 47, where he says of

Virginius *sordidatus filiam...cum ingenti* advocatione *in forum adducit.* The technical expression for appearing as *advocatus* was *adesse* or *praesto esse,* Horat. Sat. II 6, 35 *ante secundam Roscius orabat sibi* adesses *ad Puteal cras:* so Cic. pro Quinct. § 25: *tum Naevius pueros circum amicos dimittit: ipse suos necessarios—corrogat, ut ad tabulam Sextiam sibi* adsint, *hora secunda postridie.*

l. 8. **in rem praesentem venire** was the ordinary expression in legal phraseology for 'appearing in court,' 'judicial settlement:' literally it means 'to appear at the very spot or piece of ground which is the subject of litigation.' Cp. Cic. de orat. I § 250 *si de finibus, cum* in rem praesentem *non venimus, controversia est,* pro Caecina § 20 *placuit Caecinae constituere quo die* in rem praesentem *veniretur et de fundo Caecina moribus deduceretur,* Seneca de benef. IV 35 2 in rem praesentem *venturus fui: sed aeger filius, sed puerpera uxor tenet. Omnia esse debent, quae fuerunt cum promitterem, ut promittentis fidem teneas.*

l. 9. **non—dixeris**] i.q. *promiseris;* 'it would be no breach of duty not to perform your promise,' cp. § 23 dictorum *conventorumque constantia.*

l. 10. **magisque**] 'but rather,' §§ 22, 68, 92.

l. 11. **iam illis promissis standum non esse**] 'further, that we are not to abide by those promises etc.' On the use of *iam* for *quin etiam, atque adeo,* 'then again,' see Kühner Tusc. II § 24, Key Gr. § 1450.

l. 14. **pleraque iure praetorio liberantur**] 'are released (i. e. cease to be obligatory) in most cases by the praetor's edict, in some cases by the laws.' The edicts of the Praetor, which were published annually and formed a part of the collection called *ius honorarium,* were explanatory of and supplementary to the common law (*ius civile*). The *ius praetorium* therefore is equivalent to 'equity' which Aristotle (Eth. Nic. V 10) defines to be *νομίμου δικαίου ἐπανόρθωμα* i.e. 'a correction of legal justice,' or *ἐπανόρθωμα νόμου ᾗ ἐλλείπει διὰ τὸ καθόλου* 'a correction of that wherein the law by reason of its universality is deficient.' For the laws, observes the same philosopher Pol. III X § 4, *τὸ καθόλου μόνον λέγουσιν, ἀλλ' οὐ πρὸς τὰ προσπίπτοντα ἐπιτάττουσιν,* 'speak only of the universal, and do not frame rules for particular cases.' **quae—liberantur**, i.q. a quibus liberamur, cp. II 68 *id quod violatum est,* III § 3 *eam solitudinem languere* for me in ea solitudine languere.

l. 15. **legibus**] such as the Plaetoria *de circumscriptione adulescentium* (III § 61).

§ **33**, l. 16. **calumnia**] This word is derived from the root *calv* found in *calvor* 'to devise tricks,' 'to cheat,' 'to quibble.' It means 'chicanery,' 'legal quirks and quibbles,' 'an attention to the letter rather than the spirit of the law.'

l. 17. **et nimis callida sed malitiosa iuris interpretatione**] 'that is, an over-subtle and even fraudulent construction of the law.' Cf. pro Balbo § 14 interpretationem *foederis,* de opt. gen. or. § 20 *legum* interpretatio. *Sed* does not bear an adversative meaning, but is equivalent to *et quidem, immo vero,* 'nay more,' and further qualifies *nimis callida.* So ep. ad Att. V 21 § 6 *Q. Volusium, certum hominem,* sed *mirifice etiam abstinentem, nisi in Cyprum,* ad fam. XIII 64 *apud ipsum praeclarissime posueris,* sed *mihi etiam gratissimum feceris.*

l. 18. **summum ius summa iniuria**] sub. *est,* an omission very common in proverbs, § 152. Terence has the proverb rather differently Hautontim. IV 5, 47 *ius summum saepe summast malitia.* The meaning is, a superstitious adherence to the letter of the law is farthest removed

from the spirit of justice. Cp. Cic. pro Caecin. § 65 *si contra verbis et litteris et, (ut dici solet),* summo iure *contenditur, solent eiusmodi iniquitati aequi et boni nomen dignitatemque opponere. Tum illud, quod dicitur,* Sive, Nive, *irrident; tum aucupia verborum et litterarum tendiculas in invidiam vocant; tum vociferantur ex aequo et bono, non ex callido versutoque iure rem iudicari oportere, scriptum sequi* calumniatoris *esse bonique iudicis voluntatem scriptoris auctoritatemque defendere;* Menander ap. Stobaeum tit. 42 p. 277 (ed. Mein. inc. fabb. LXXXIX b) *καλὸν οἱ νόμοι σφόδρ' εἰσίν, ὁ δ' ὁρῶν τοὺς νόμους λίαν ἀκριβῶς συκοφάντης φαίνεται,* and Aristot. Eth. Nic. V 10, 8 *ὁ μὴ ἀκριβοδίκαιος ἐπὶ τὸ χεῖρον ἀλλ' ἐλαττωτικός, καίπερ ἔχων τὸν νόμον βοηθόν, ἐπιεικής ἐστι,* Soph. El. 1042 *ἀλλ' ἔστιν ἔνθα χἠ δίκη βλάβην φέρει.*

l. 20. in re publica] 'in dealings between state and state,' so § 34 l. 4, III § 46 *utilitatis specie* in republica *saepissime peccatur.*

l. 21. ut ille] sc. *peccavit.* This transaction is ascribed to Cleomenes, the Spartan king, upon the authority of Plutarch, apophth. Lacon. p. 223 A *Κλεομένης ὁ Ἀναξανδρίδεω ἀνοχὰς ἐφθημερίους πρὸς Ἀργείους ποιησάμενος, φυλάξας αὐτοὺς τῇ τρίτῃ νυκτὶ κοιμωμένους, διὰ τὸ πεποιθέναι ταῖς σπονδαῖς, ἐπέθετο· καὶ τοὺς μὲν ἀπέκτεινε, τοὺς δὲ αἰχμαλώτους ἔλαβεν· ὀνειδιζόμενος δὲ τῇ παραβάσει τῶν ὅρκων οὐκ ἔφη προσομωμοκέναι ταῖς ἡμέραις τὰς νύκτας· ἄλλως τε καὶ ὅ τι ἂν κακόν τις ποιῇ τοὺς πολεμίους, τοῦτο καὶ παρὰ θεοῖς καὶ παρὰ ἀνθρώποις δίκης ὑπέρτερον νομίζεσθαι.* A similar story is told by Ephorus ap. Strabo (IX p. 402) of the Thracians, when at war with the Boeotians, to which the proverb *Θρᾳκία παρεύρεσις* was applied, see Erasm. *Adag.* p. 329.

l. 23. ne noster quidem, si verum est Q. Fabium Labeonem] The regular construction should have been *ne noster quidem Q. F. Labeo probandus, si verum est hunc cet.* But the addition *seu quem alium* makes it more convenient that the subject of the primary clause should be made to depend upon the secondary intervening clause *si verum est,* cp. § 22 l. 33. Q. Fabius Q. F. Q. N. Labeo grandson of Fabius Cunctator was colleague of M. Claudius Marcellus in the consulship in the year B.C. 183 (A.U.C. 570), one year before the consulship of Aemilius Paulus. Cicero speaks of him (Brut. § 81) as *et iuris et litterarum et antiquitatis bene peritus;* Valer. Max. VII c. 3 § 4 characterises his arbitration in the case as *improbum praestigiarum genus.*

l. 25. praeter auditum] i.e. praeter id quod audivi. Cave substantivum putes: illud enim sensum audiendi significat. Sic apud Velleium II 35 audito *crudelior,* i.e. crudelior quam auditum est, et usu frequentatum *dicto citius.* Z. [Cp. Cic. orat. part. § 114. J. E. B. M.]

l. 26. ad locum] i.q. *in rem praesentem* apud Valer. Max. *l. c.*

l. 28. regredi quam progredi] ut sui agri parte aliqua finitimis cedere quam inde aliquid sibi appetere mallent. H.

l. 29. aliquantum] properly 'a definite portion,' hence 'a considerable portion.' See n. to § 108.

l. 30. dixerant] sc. *esse terminandos.*

l. 31. populo Romano adiudicavit] cf. Hor. I Epist. 18, 57 *si quid abest, Italis* adiudicat *armis.* **hoc quidem**] *quidem* gives emphasis to the pronoun and is equivalent to *si quid aliud, profecto,* 'this if anything else,' 'this surely.' Cp. Tusc. I § 30 *optare hoc* quidem *est, non docere,* nat. deor. I 32 *praecipitare istuc* quidem *est, non descendere.*

l. 32. quocirca] 'the upshot is.' Quare, quamobrem are more frequently found in this sense, Seyffert schol. lat. I § 39.

CHAPTER XI

l. 33. adversus] i.q. *erga,* 'towards:' § 41 adversus *infimos iustitiam esse servandam,* § 98 *quemadmodum nos* adversus *homines geramus,* § 99 *adhibenda est quaedam reverentia* adversus *homines.*

P. 15, l. 1. atque] 'or rather.' Atque serves to amplify or correct a preceding remark, usually with *adeo* added; as ep. ad fam. IX 15, 3 *est id quidem magnum* atque haud *scio an maximum.* **haud scio an**] i.q. *fortasse.* Cp. for the sentiment Plato Gorg. p. 525 b: *προσήκει δὲ παντὶ τῷ ἐν τιμωρίᾳ ὄντι ὑπ' ἄλλου ὀρθῶς τιμωρουμένῳ, ἢ βελτίονι γίγνεσθαι καὶ ὀνίνασθαι, ἢ παράδειγμά τι τοῖς ἄλλοις γίγνεσθαι. ἵνα ἄλλοι, ὁρῶντες πάσχοντα ἃ ἂν πάσχῃ, φοβούμενοι βελτίους γίγνωνται,* Seneca de clem. I 22 *aut ut eum quem punit emendet, aut ut poena eius ceteros meliores reddat, aut ut sublatis malis securiores ceteri vivant.*

l. 2. ne quid tale posthac] sc. faciat. A common ellipse in ordinary formulae, especially after adverbs: e.g. § 82 *ne quid temere, ne quid crudeliter,* pro Ligar. § 30 *si umquam posthac,* Terent. Phorm. I, 2, 92 *posthac si quicquam.* Cp. II § 36.

§ 34, l. 4. in re publica] 'in the case of a state in its external relations,' see n. to § 33, l. 20.

l. 6. per disceptationem] 'judicial discussion of a doubtful question.' Comp. § 50, pro Plancio § 87 *sed erat non iure, non legibus, non* disceptando *decertandum—armis fuit dimicandum.* So in Liv. VIII 23 when the Roman legate invites the Samnites *ad* disceptandum before *communes socii atque amici,* the answer he receives is *nostra certamina, Romani, non verba legatorum nec hominum quisquam* disceptator *sed communis Mars belli decernet;* ib. XXVIII 21 *quidam, quas* disceptando *controversias finire nequierant aut noluerant, ferro decreverunt;* ib. XXXIV 62 *qui inter populum et regem Carthaginiensem in re praesenti* disceptarent.

l. 8. si uti non licet superiore] cp. Liv. IX 1 (where C. Pontius the Samnite is speaking) *iustum est bellum, quibus necessarium, et pia arma, quibus nulla nisi in armis relinquitur spes.*

§ 35, l. 10. in pace vivatur] § 80 *ita ut nihil aliud nisi pax quaesita videatur.* Sed plerumque *pax bello pariatur* non alia nisi sepulcri. Utinam hanc ob causam omnes populi essent Quaqueri! Cf. Plato de leg. I p. 628 e, Arist. Pol. VII 14 p. 454, Eth. Nic. X 7, 20. BEIER

l. 12. immanes] see n. to § 57.

l. 13. Tusculanos] Tusculum was the oldest *municipium* in Italy, its entire population was admitted to the *civitas Romana* B.C. 381, Liv. VI 26, VIII 14, Plutarch Camill. c. 38. **Aequos**] Liv. IX 45 *unum et triginta oppida—oppugnando ceperunt, quorum pleraque diruta atque incensa nomenque* Aequorum *prope ad internecionem deletum.* This happened B.C. 304. We must suppose that there was a remnant, who were admitted to the privileges of Roman citizens.

Volscos, Sabinos] The Sabines were admitted to a partial *civitas* after their defeat by M'. Curius, B.C. 290 (Vell. Paterc. I 14, 6) and to the complete franchise B.C. 268. A part of the Volscians, as the people of Arpinum, obtained the *civitas sine suffragio* B.C. 303 (Liv. X 1), and the full rights of Roman citizens B.C. 188. Cp. or. pro Balbo c. 13 *Romulus foedere Sabino docuit etiam hostibus recipiendis augeri hanc civitatem oportere. Cuius auctoritate et exemplo numquam est intermissa a maioribus nostris largitio et communicatio civitatis. Itaque et ex Latio multi et* Tusculani *et Lanuvini et ex ceteris generibus gentes universae in civitatem sunt receptae,*

ut Sabinorum, Volscorum, Hernicorum. **Hernicos**] Liv. IX 43 Hernicorum *tribus populis Alatrinati, Verulano, Ferentinati, quia maluerunt quam civitatem, suae leges redditae. Anagninis quique arma Romanis intulerant civitas sine suffragii latione data* (B.C. 306).

l. 14. Karthaginem] Carthage was destroyed B.C. 147 by Publius Cornelius Scipio Aemilianus, thence called Africanus minor, at the instance of Cato (§ 79). Scipio also destroyed **Numantia**, a strongly fortified town of the Celtiberi in Spain, B.C. 134. See II § 76.

l. 15. nollem Corinthum] sc. *funditus sustulissent.* See Florus II 16 Corinthus (*facinus indignum*) *ante oppressa est, quam in numerum certorum hostium referretur,* i.e. by L. Mummius, thence called Achaicus, in the same year as Carthage fell, B.C. 147, see II § 76, de nat. deor. III § 91.

aliquid secutos] 'that they had some special object in view,' 'some (good) reason for what they did' and so were not prompted by cruelty. Similarly ep. ad Att. IV 2 § 2 *quaesivit quid essent in decernendo secuti* i.e. quam idoneam causam habuerint cur sic decernerent, Philipp. II § 38 *quod habebat uterque quid* sequeretur, *idcirco tolerabilior erat nostra dissensio,* pro Sext. Rosc. § 8 *quamobrem videantur illi non nihil tamen in deferendo nomine secuti. Aliquid* is used in a pregnant sense, as de or. II § 170 *simulasse te et* aliquid *quaesivisse perspicuum est,* in Verr. Act. I c. 7.

l. 16. opportunitatem loci] 'its convenient position.' 'Quia in faucibus Graeciae sita aditu terrestri in Peloponnesum excludere poterat exercitus Romanos.' Z.

l. 19. si mihi esset optemperatum] Cicero's epistles are full of allusions to the subjects of the difference between Caesar and Pompey, and his own fruitless efforts to prevent civil war by bringing about a reconciliation between them: see especially IV 1, 2, 3; VI 1, 6, 21; VII 3 § 6; XVI 11, 12 § 2, 16, 10: comp. pro Marc. § 14, Philipp. II c. 10, 15, pro Deiotar. § 29 *cum—exercitu amisso ego, qui pacis auctor semper fui, post Pharsalicum proelium suasor essem armorum non deponendorum sed abiciendorum.*

si non optumam, at aliquam remp.] 'if not the best, at least some sort of government.' For aliquam cp. above l. 15 and for at P. S. Gr. p. 480.

l. 20. nulla est] 'does not exist at all,' since, as Cicero says ep. ad fam. IV 1 § 6 *imperiis distributis urbs sit sine legibus, sine iudiciis, sine iure, sine fide:* cp. II § 3 *cum resp.* nulla esset *omnino,* § 29 l. 34 *remp. penitus amisimus.*

l. 22. quamvis murum aries percusserit] It was a custom of the Romans to spare the enemies who surrendered before the battering-ram was applied to the walls. Cp. Caesar B. G. II 32 *Caesar respondit* Aduaticis, *se magis consuetudine sua quam merito eorum civitatem conservaturum, si prius quam aries murum attigisset, se dedidissent.* See also Grotius *de Iure Belli ac Pacis* III XI 14, 2. **recipiendi**] sc. in fidem, l. 24.

l. 25. earum patroni] Thus the Scipios stood in the relation of *patroni* to the African provinces, Aemilius Paulus and his successors to the Macedonians, the Marcelli to the Sicilians, the Fabii (Sallust Cat. c. 41) to the Allobroges, Cato to the Cyprians (ep. ad fam. XV 4. 41), and Fabricius Luscinus to the Samnites (Valer. Max. IV 3, 6 universos in clientela habebat).

§ 36, l. 26. belli aequitas] 'law of war, de dom. § 2 *aequitas humana,* 'man's right.' On the *fetiales*, their functions and ceremonial observances, see *Dict. of Antiq.* p. 530 b, Ramsay, *Rom. Antiq.* pp. 331—2.

l. 27. ex quo] sc. *iure.*

l. 29. rebus repetitis] 'after a formal demand of satisfaction.' The formal and public declaration of war was an indispensable preliminary to it among the Romans. This declaration was either conditional or pure. The conditional was when it was made *cum rerum repetitione,* 'a formal demand for the restoration of the things in question,' on the expiration of 33 days. This was called *clarigatio* (Liv. I 32, IV 30, VII 6, X 12, XXXVI 3). A pure declaration (*indictio*) was without any condition, as when an injury could not be redressed; or when war was first declared by the other party. See Grotius *de Iure Belli ac Pacis* III c. 3, § 7 (Vol. III. p. 62, ed. Whewell). Comp. Liv. XXXVI 3 where the *fetiales* before the war with the Aetolians give out *amicitiam renuntiatam videri, cum legatis totiens* repetentibus res *nec reddi nec satisfieri aequum censuissent.*

denuntiatum et indictum] 'given notice of and declared.'

l. 30. Popilius] M. Popilius Laenas, consul B.C. 172, was sent with an army against the Ligurian mountaineers, whom he conquered after great slaughter. See Liv. XL 7. Baiter, Hand and recent editors agree with Lund in considering the whole of this passage as spurious. *Popilius imperator* (without any *praenomen*) *tenebat provinciam* is vague and not like a Latin expression. Again in § 37 *Marci quidem Catonis senis* would scarcely have been written, if reference had just before been made to the same person. *Patitur—obliget* is grammatically incorrect: *priore amisso* is a strange phrase to express the 'voidance of a former oath:' as also is *bellum movere* (Gr. *κινεῖν τὸν πόλεμον*) in the sense of bellum incipere. Moreover, *adeo* for *usque eo* is not according to Ciceronian usage. See Hand Tursellinus I p. 152, Nägelsbach lat. Stil. p. 556 ed. 2.

l. 33. dimisit] 'discharged.'

P. 16, § 37, l. 3. est] 'is extant,' II § 16. Plutarch quaest. Rom. c. 39, alludes to the same letter: *διὰ τί τοῖς μὴ στρατευομένοις μέν, ἐν στρατοπέδῳ δὲ ἄλλως ἀναστρεφομένοις, οὐκ ἐξῆν ἄνδρα βαλεῖν πολέμιον, οὐδὲ τρῶσαι; καὶ τοῦτο Κάτων ὁ πρεσβύτης ἐν ἐπιστολῇ τινι δεδήλωκε, γράφων πρὸς τὸν υἱὸν καὶ κελεύων, εἰ παρεθείη τῆς στρατείας ἀποπληρώσας τὸν χρόνον, ὑποστρέφειν· ἢ προσμένοντα λαβεῖν παρὰ τοῦ στρατηγοῦ τὸ ἐξεῖναι τρῶσαι καὶ ἀνελεῖν πολέμιον. Πότερον ὅτι τὴν ἀνάγκην μόνην ἐξουσίαν εἶναι δεῖ τοῦ ἀνελεῖν ἄνθρωπον· ὁ δ' ἄνευ νόμου καὶ προστάγματος τοῦτο ποιῶν ἀνδροφόνος ἐστίν;*

l. 4. a consule] i.e. L. Aemilius Paulus, II § 76, de div. I § 103, Liv. XLIV 37.

l. 5. bello Persico] not 'the Persian war,' as it has been translated, but 'the war with Perseus or Perses,' the last king of Macedonia, who was defeated and taken captive by Paulus Aemilius B.C. 168. After the battle of Pydna, the northern part of Greece was made into a province, under the name of Macedonia, as the southern part had been under the name of Achaia after the taking of Corinth by Mummius, § 35 l. 15. The clause *cum in Macedonia—esset* is rejected by Zumpt on the ground of the improbability that the son of Cato should have been discharged by Popilius and again five years later by Aem. Paulus. He would therefore refer the statements of this section to the occasion before spoken of, § 36.

CHAPTER XII

l. 8. animadverto, quod] the construction is *animadverto l. v. rei tristitiam mitigatam* [*esse,*] *quod qui cet. Quod* therefore is causal dependent on mitigatam and not on animadverto, Zumpt Gr. § 728.

perduellis] from *per* and *duellum,* was the name given to an 'obstinate

enemy,' III § 107, l. 7. *Duellum* 'division' is only another and older form of *bellum*, so *duis* for *bis*, *duonus* for *bonus*, Peile *Gr. and Lat. Etym.* p. 371.

l. 9. **hostis vocaretur**] Hume, in a note to his *Essay on Commerce*, differs in opinion from Cicero. 'The more antient Romans' says he 'lived in perpetual war with all their neighbours, and, in old Latin, the term *hostis* expressed both 'a stranger' and 'an enemy.' This is remarked by Cicero, but by him ascribed to the humanity of his ancestors, who softened as much as possible the denomination of an enemy by calling him by the same appellation which signified a stranger. It is however much more probable, from the manners of the times, that the ferocity of those people was so great as to make them regard all strangers as enemies, and call them by the same name. It is not, besides, consistent with the most common maxims of policy or nature, that any state should regard its public enemies with a friendly eye, or preserve any such sentiments for them, as the Roman orator would ascribe to his ancestors. Not to mention that the early Romans really exercised piracy, as we learn from their first treaties with Carthage preserved by Polybius: and consequently, like the Sallee and Algerine rovers, were actually at war with most nations, and a stranger and an enemy were with them almost synonymous.' Donaldson (*Varronianus* ed. 3, ch. VI § 8 p. 244) notices that 'the Latin *hostis* and the Greek *ξένος*, starting from opposite points, have interchanged their significations. *Hostis* from GHAS originally signified a person entertained by another, 'one who has food given to him,' (comp. *hospi*-[*t*-]*s*) 'the protector of strangers,' Germ. 'gast,' but at last it came to mean 'a stranger' 'a foreigner;' and even 'an enemy.' Whereas *ξένος* originally denoting a 'stranger' (*extraneus*) i.e. one without (*ἐ-ξένος*), came in the end to signify 'an entertainer' and 'friend'.'

lenitate verbi] 'by a softened expression.' **rei tristitiam**] i.e. atrocitatem notionis. BEIER

l. 11. **status dies cum hoste**] 'a day fixed for trial with a stranger.' Fest. p. 194 status dies (cum hoste) *vocatur qui iudicii causa est constitutus cum peregrino. Eius enim generis ab antiquis hostes appellabantur, quod erant pari iure cum populo Romano atque hostire ponebatur pro aequare.* Cp. Plautus Curculio I i. 5 *si status condictus cum hosti intercedit dies, tamen est eundum quo imperant ingratiis:* Aul. Gell. noct. att. XVI, 4 *militibus autem scriptis dies praefinibatur, quo die adessent et citanti consuli responderent: deinde concipiebatur iusiurandum ut adessent his additis exceptionibus—funus familiare—vis hostisve,* status *condictusve* dies cum hoste.

l. 12. **adversus hostem aeterna auctoritas**] 'right of ownership is good for ever in dealing with a foreigner,' that is, no length of possession can give a foreigner a title to property when claimed by a citizen. Right of ownership between citizens terminates with *usucapio*, that is, by prescription, when a person becomes entitled to a thing by long possession. For the meaning of *auctoritas* comp. Aulus Gell. noct. att. XVII 7 *quod surreptum erit, eius rei* aeterna auctoritas *esto*, Cic. Harusp. § 15 *multae sunt domus in hac urbe iure auctoritatis*, Top. § 23 *usus auctoritas fundi biennium est*, pro Caecina § 54, Horat. Epist. II 2, 159.

l. 14. **appellare**] the infinitive is used for the genitive of the gerund, in apposition to *mansuetudinem:* cp. de nat. deor. III § 63 *magnam molestiam suscepit Zeno—commenticiarum fabularum reddere rationem*, Liv. III 4 *alteri consulum negotium dabatur videre nequid resp. detrimenti caperet.*

quamquam] see note to § 30 l. 15.

l. 15. **a peregrino recessit**] 'it has lost its signification of 'foreigner,' and been taken as the proper title of 'one who bears arms against'.'

§ **38**, l. 18. **causas—subesse—oportet easdem**] 'it must be based on the same grounds.'

l. 19. **paullo ante**] § 35.

l. 21. **cum civi aliter contendimus**] Zumpt, Orelli and Stuerenberg after Heusinger retain the vulgate *cum civiliter contendimus, aliter si est inimicus*, which is explained by supposing a kind of anacoluthon, viz. that instead of *aliter—contenditur*, the words *certamen est* are used. Observe that *cum altero... cum altero* refer to *inimicus* and *competitor* in a reversed order (*χιασμός*).

l. 24. **capitis et famae**] 'life and honour.'

cum Celtiberis] with the people of Numantia (§ 35) and Viriathus (II § 40).

l. 25. **uter esset**] i.q. uter viveret, 'which should survive.' Cp. Sallust Iugurth. ch. 114: *Romani sic habuere alia omnia virtuti suae prona esse; cum Gallis pro salute, non pro gloria certare.*

l. 26. **cum Latinis**] The Albans were the first of the Latini to engage in war with the Romans: their leader was Mettius, see Liv. I c. 23: a treaty between them and the Romans was drawn up when Tarquinius Superbus was king, but the Latins afterwards revolted: the wars which ensued between them and the Romans are recounted by Livy I 32, II 19, VI 2, 7, VIII 6—14. **Sabinis**] see Liv. I 30, 36; II 6, 31, 53, 63; III 26, 61. **Samnitibus**] the wars between the Romans and Samnites lasted 71 years, B.C. 343—272. **Poenis**] cp. Liv. XXII 58, where Hannibal thus addresses some Roman prisoners: *non internecinum sibi esse cum Romanis bellum: de dignitate atque imperio certare.* 'Ut igitur excusetur nihilominus ad Poenorum internecionem usque gestum a Romanis bellum (cf. § 35), additur eius rei ratio, *fides Punica*.' BEIER

l. 27. **foedifragi**] Gellius N.A. XIX 7, 5 remarks on the formation of this archaic word for *foederifragi*.

l. 28. **crudelis Hannibal**] Such was the traditional Roman misconception of Hannibal's character; cp. III § 100, de sen. § 75 where he is spoken of as *crudelissimus hostis*, de am. § 28 *alterum* (Hannibalem) *propter crudelitatem semper haec civitas oderit*, where the same comparison is made between Pyrrhus and Hannibal, Hor. Carm. II, 12, 2 Hannibalem *dirum*, Epod. XVI 8 *parentibusque abominatus* Hannibal, Plin. N.H. VIII c. 7, 7, Valer. Max. § 2, 3 Ext. 1 *apud trucem et saevum animum* Hannibalis.

l. 29. **illa praeclara**] sc. *sunt* [cp. Verr. IV § 51 illa *vero optima, quod... ipse in oppidum noluit accedere.* J. E. B. M.]. The lines are from the sixth Book of the Annales, an historic poem by Ennius: they are supposed to be addressed by Pyrrhus of Epirus to C. Fabricius Luscinus who was sent to him along with P. Cornelius Dolabella and Q. Aemilius Papus with a large sum of money to treat for the surrender of the prisoners of war (Brut. § 55, Cat. mai. § 43) after the battle of Heraclea, B.C. 280.

l. 31. **cauponantes bellum**] i.e. quaestum quaerentes bello, *καπηλεύοντες μάχην*, according to the Aeschylean phrase (Sept. c. Th. v. 545), 'higgling over war.' Cp. Herodian VI, 7, 22 *καπηλεύειν εἰρήνην χρυσίῳ, auro pacem* cauponari. Observe that *bellum* must be repeated with *belligerantes.*

l. 32. **vitam cernamus**] i.q. de vita decernamus, 'let us venture our lives,' cp. Enn. Med., Ribbeck Trag. fr. 222 I p. 47, *nam ter sub armis malim* vitam cernere, *quam semel modo parere*, ib. fr. 145 p. 34 *saeviter* fortunam *ferro* cernunt *de victoria.*

l. 33. era Fors] 'dame Fortune,' cp. Plaut. Merc. V 2, 1 *divom atque hominum quae spectatrix atque* era *eadem es hominibus.*

l. 34. accipe] Zumpt after Heusinger reads *acpite* (=*accipite*) which is found in a few MSS, comparing *porgite* (=*porrigite*) Vergil Aen. VIII 274, *surpite* (=*surripite*) Hor. Sat. II 3, 283.

P. 17, l. 1. certumst] sc. mihi, i.e. 'I am determined.' Cp. II § 30, l. 13, pro Sext. Rosc. § 31, *certum est deliberatumque...dicere.*

l. 2. dono, ducite, doque] Some read *dono ducite=dono accipite* 'take them for a gift.' Translate: 'I give and present them to you, lead them away.'

l. 3. Aeacidarum genere] The kings of Epirus claimed descent on the father's side from Pyrrhus or Neoptolemus, the son of Achilles, grandson of Aeacus (§ 97), king of the Myrmidons in the island of Aegina. For *genus* as applied to one person cp. Vergil Aen. VI 839 *Persen* genus *armipotentis Achillei,* Hor. Sat. II 5, 63 *ab alto demissum* genus *Aenea.*

CHAPTER XIII

§ 39, l. 4. temporibus adducti] 'under stress of circumstances,' § 59.

l. 9. reddendos—non censuit] 'voted against giving back the prisoners.' *Non* qualifies *reddendos,* II § 67, III § 114, notwithstanding its position: so when *negare* occurs in a sentence, the negative involved in it qualifies some dependent word. The case of REGULUS is fully discussed in the third book § 99 ff.

l. 10. cum retineretur] cp. Hor. Od. III 5, 50 *dimovit obstantes propinquos et populum reditus morantem.*

l. 11. fidem hosti datam fallere] 'to break his word pledged to an enemy.'

§ 40. The whole of this section, which is wanting in the best MSS though not in Bernensis c, is by most editors considered to be spurious and made up of a passage in III §§ 86, 113. Zumpt however after Pearce and Heusinger and of course Stuerenberg are of a different opinion.

l. 13. quos decem] the antecedent is 'eos omnes' l. 15.

l. 16. qui peierassent] 'because they had perjured themselves,' causal subj.: see P. S. Gr. § 210, Madvig Gr. § 366.

in aerariis reliquerunt] i.q. aerarios fecerunt, i.e. 'kept disfranchised,' 'left among the aerarii.' Cp. Liv. XXIX 37 where a story is told of a quarrel between the two censors C. Claudius and M. Livius, the latter of whom had recourse to the following expedient, when aerarius relictus by his colleague; *in aerarium venit; praeter Maeciam tribum populum Romanum omnem,* XXXIV *tribus,* aerarios reliquit...*Inter* XXXIV *tribus et C. Claudium aerarium fore; quod si exemplum haberet bis eundem* aerarium relinquendi, *C. Claudium nominatim se* inter aerarios *fuisse* relicturum.

l. 17. iuris iurandi fraude] 'by evasion of his oath,' literally, 'by doing despite to his oath;' *fraus* being used in the sense of 'hurt,' 'prejudice.' Cp. the phrase fraudem facere legi in Livy VII 16 *quod emancipando filium fraudem legi fecisset,* and Plin. N. H. X 50, 71 *in fraudem legum.* **culpam invenerat]** 'had incurred guilt:' Cicero has a similar expression ad Herenn. IV § 48 *eam vituperationem invenistis, ut timidi atque ignavi putaremini.*

l. 18. quod se oblitum—diceret] for quod oblitus esset nescio quid ut dicebat, the verb of saying being subj. instead of the thing said, P. S. Gr. p. 459, Roby Gr. II 1746, Zumpt Gr. § 551, Madv. Gr. § 357 a, obs. 2.

l. 19. et erat verbis, re non erat] 'so he was according to the letter, not in reality.'

l. 20. quid senseris, non quid dixeris] i.e. quid ex animi sententia promiseris, non quid lingua tua pronuntiaverit, 'your meaning and not your (mere) words.' Here, as in III c. 29, Cicero condemns all mental reservations.

l. 22. a Pyrrho perfuga] for *perfuga a P. veniens.*

l. 23. et eum necaturum] 'and so would kill him.' Eumque necaturum would have been more correct Latin.

l. 25. bellum ultro inferentis] 'the aggressor in war.'

l. 26. interitum cum scelere] i.e. scelestum. See n. to § 25 l. 33 and add to the examples there quoted ep. ad div. I 9 § 66 *cum dignitate otium,* de fin. III § 20 *cum officio selectio* i.e. officio consentanea.

§ 41, l. 28. adversus] 'towards,' § 33 l. 33.

l. 30. quibus] to be taken with *uti,* not with *praecipiunt.* Cp. § 46, § 136, Madvig Gr. § 445 who compares de fin. I § 26 *non satis politus iis artibus, quas qui tenent eruditi appellantur.*

l. 31. mercennariis] 'hired labourers.' Seneca de benef. III 22 *servus, ut placet Chrysippo, perpetuus* mercennarius *est.*

operam] 'daily labour:' usually in plural.

iusta praebenda] 'the usual allowances must be made,' sc. clothing, board (*demensa*) and lodging. Columella I 8, 18 *itaque diligens dominus cum et ab ipsis, tum et ab solutis quibus maior est fides, quaerat an ex sua constitutione* iusta *percipiant.*

l. 33. vulpeculae] The diminutive conveys the notion of meanness and paltriness more forcibly. Nägelsbach lat. Stil. § 47.

l. 34. homine alienissimum] i.q. indignissimum, de div. I § 82 *neque hoc* alienum *ducunt maiestate sua,* ibid. II § 102.

l. 35. fraus odio digna maiore] cp. Thucyd. IV 86 *ἀπάτῃ εὐπρεπεῖ αἴσχιον τοῖς γε ἐν ἀξιώματι πλεονεκτῆσαι ἢ βίᾳ ἐμφανεῖ.*

l. 36. totius iniustitiae nulla] 'no instance of injustice is more worthy of capital punishment, than that of those, who, at the very time when they are practising deception, make it their business and aim to get the credit of being good.' On cum maxime see n. to II § 23, Minuc. Fel. V § 1, Verr. II 76 cum *haec* maxime *cognosceremus—repente aspicimus lituras,* Philipp. V 1 *nos autem tum* cum maxime *consilio subvenire communi saluti oporteret, in senatum non vocabamur.* For the sentiment cp. Plat. de rep. II p. 361 A *ἐσχάτη γὰρ ἀδικία δοκεῖ δίκαιον εἶναι μὴ ὄντα.* On the meaning of *capitalis* see II § 73 l. 32.

CHAPTER XIV

P. 18, § 42, l. 3. deinceps] 'next in order,' the adverb Cicero always uses, not *deinde,* in passing to a new division of his subject. **ut erat propositum]** § 20.

l. 6. multas cautiones]=locos cautionis § 44, 'several points requiring circumspection.' *Cautio*=id quod cavere oportet. **videndum]** i.q. cavendum, § 68.

l. 10. id enim] sc. *ut pro dignitate cuique tribuatur.*

l. 11. haec omnia] § 62, § 157.

l. 15. in eadem sunt iniust.] 'are guilty of the same injustice.' § 23 l. 18, § 60 l. 32, pro Sulla § 38 *si esset in eodem scelere*.

l. 16. et quidem cupidi] for et ii quidem cupidi.

l. 17. eripiunt aliis quod aliis largiantur] [cp. Plin. ep. IX 30 § 2: *sunt ingenio simili qui quod huic donant auferunt illi famamque liberalitatis avaritia petunt*. J. E. B. M.]

§ 43, l. 19. quacumque ratione] = qualibet ratione, 'in any way,' 'no matter by what means.' It is only in this phrase and quocumque modo, that quicumque occurs simply as an indefinite pronoun with the notion of universality, without a relative signification. Madvig Gr. § 87 obs. 1.

tantum abest ab officio] Wesenberg (*emend. Cic. Epist.* p. 82) shows that Cic. writes *abesse Roma* (ad fam. V 15 4), *patria* (Tusc. V § 106) but not *abesse officio* or the like. Zumpt errs in reading *abest officio*.

l. 22. Caesaris pecuniarum translatio] 'the transferring of property by Caesar,' II § 27. For examples of the double genitive, subjective (*Caesaris*) and objective (*pecuniarum*), dependent upon one and the same word cp. de fin. I § 14 *Theophrasti orationis ornamenta*, Tusc. IV § 31 *animi multarum rerum brevi tempore percursionem* where the two genitives precede the words which govern them, § 40 *fratris repulsam consulatus*: cp. also § 50 *naturae principia communitatis*, § 32 *contentionis praecepta rhetorum sunt, nulla sermonis*, Verr. V 50 *multorum naufragia fortunae*, 'the shipwrecks of many inflicted by fortune.' Of the unjust conduct of Sulla and Caesar Cicero speaks more fully in II § 27. For the asyndeton *L. Sullae C. Caesaris* cp. § 50 *in equis, in leonibus*, § 154 *in parentis, in amici re*, II § 59 *dicebat idem Cotta, Curio*.

l. 24. non idem iustum] sc. *sit*.

§ 44. alter locus cautionis] 'the second point for the exercise of circumspection.' *Locus* 'head,' 'division of the subject proposed,' § 18.

l. 25. erat] § 143 *quae erant prudentiae propria*.

l. 27. res] i.q. res familiaris, 'their estate,' 'circumstances.' So Persius Sat. II 44 rem *struere exoptas caeso bove*, Horace Sat. II 5, 8 *et genus et virtus nisi cum re vilior alga est*. There is no regular ordinal adverb as *deinde* answering to *primum*, the consecutive clause is introduced by *autem*: cp. § 46 *primum illud est in officio—sin erunt merita*, § 100: see Madvig on de fin. I § 17 p. 37.

l. 28. proximos] 'their nearest relatives.'

l. 29. relinqui] sc. hereditate, 'to be bequeathed.'

l. 33. quadam gloria] 'a sort of pride, ambition.' So § 29 *odio quodam hominum*, § 49 *multi faciunt multa temeritate quadam*; see note on *quidam* III § 95 and Zumpt Gr. § 707. For the meaning of gloria, 'love of glory,' cp. Tusc. II § 65 *neque illum* (dolorem) *ratione aut sapientia tulerant, sed studio potius et* gloria, so *communitas* 'social instinct' § 152 l. 34, *libertas*, 'feeling of freedom' II § 124: cp. Nägelsbach lat. Stil. § 49, 2.

l. 34. voluntate] 'free will,' generous feeling. Cp. ep. ad Att. VIII 9 *signa conturbantur quibus voluntas a simulatione distingui posset*.

P. 19, l. 1. vanitati est coniunctior] i.e. propius ad vanitatem accedit. Cf. 6 l. 13, § 20 l. 18.

§ 45, l. 3. propositum] = positum, § 31 *quae* posui *principio*.

l. 4. dilectus dignitatis] 'a choice according to worth.'

l. 8. si minus] = sin minus.

plures causae] sc. benefaciendi.

CHAPTER XV

§ 46, l. 11. in quibus praeclare agitur si sunt simulacra] 'in whom it is very well if there are found but the rough draughts of excellence.' Observe that *in quibus* forms part of the secondary clause, the primary clause *praeclare agitur* intervening; as above § 41 *quibus non male praecipiunt qui ita iubent uti*. On simulacra virtutis cp. de fin. V § 43 *parvi virtutum* simulacris, *quarum in se habent semina, sine doctrina moventur*, de off. III § 13 *similitudines honesti*, § 69 *umbra et imaginibus* in opp. to *germanae iustitiae solida et expressa effigies*.

l. 13. significatio] = *signum*, 'indication,' 'trace.' So de amic. § 48 *si quasi significatio virtutis eluceat*, de off. III § 47 l. 28 *nulla timoris significatio*. On *aliqua* see § 35 l. 15.

l. 15. virtutibus his lenioribus] II § 32 l. 5 *quae pertinent ad mansuetudinem morum ac facilitatem*.

l. 17. nam fortis animus] (I do not say fortitude) 'for a spirit of fortitude in a man who is not perfectly good and wise is generally too impetuous: it is the other virtues which seem more peculiarly to belong to a good man.' On the meaning of *attingere* see to § 18 l. 24 and on the use of *nam* II § 47 l. 17.

l. 19. atque haec in moribus] sc. spectanda sunt, 'so much with regard to, in the case of, character.'

§ 47, l. 20. de benevolentia] 'as to the goodwill.' So de is used with its substantive without grammatical reference to the verb in the sentence § 82, ep. ad fam. II 17 2 de *rationibus referendis, non erat incommodum te nullas referre*, Terent. Hec. II 1, 36 *nam* de te *quidem peccandi fieri detrimenti nil potest*, i.e. 'for as for you, no fault can make you worse. Cp. Hand Turs. II p. 213.

l. 21. illud est in officio] = id officii est, 'this is a part of our duty, viz. that etc.', cp. § 23 *est in vitio*.

l. 24. sin erunt merita] sc. alterius: 'but if there shall be services already rendered us, so that we have not to conciliate his kindness but to repay it.'

l. 27. referenda gratia] 'than gratitude,' an uncommon use of the attracted ablative of the gerund instead of *quam* with the infinitive, cp. § 5 *praeceptis tradendis*, Kenn. Gr. p. 430.

§ 48, l. 29. iubet Hesiodus] *ἔργα καὶ ἡμέραι* v. 349

εὖ μὲν μετρεῖσθαι παρὰ γείτονος, εὖ δ' ἀποδοῦναι
αὐτῷ τῷ μέτρῳ καὶ λώϊον, αἴ κε δύνηαι,
ὡς ἂν χρηΐζων καὶ ἐς ὕστερον ἄρκιον εὕρῃς.

The meaning is: 'If when we have borrowed, we ought to return more than we have received, what should we do when we have received an unasked favour?' Comp. Brut. § 15 *illud Hesiodium laudatur a doctis, quod eadem mensura reddere iubet, qua acceperis, aut etiam cumulatiore, si possis*.

l. 30. an imitari] '*an* is frequently used in a question apparently simple, but which may be regarded as really the second member of an alternative question, the first being either not put in the form of a question or left to be inferred from the context. It introduces questions which imply the needlessness of the preceding remark, or meets an anticipated objec-

tion.' Roby Lat. Gr. II 2255. Cp. Tusc. II § 42 *unde igitur ordiar? an eadem breviter attingam?* ad Att. ep. II 5, 1 *quid enim nostri optimates ...loquentur? an me aliquo praemio de sententia esse deductum?* See also Madvig Gr. § 453, Zumpt Gr. § 353. An in fact here assumes the signification of *nonne*, and Beier is wrong in reading an non against the MSS.

P. 20, l. 1. demus necne] 'whether we give or not is optional, but to withhold requital is not allowable to a good man, provided he can do so (i.e. requite) without committing injustice;' otherwise not, nothing being liberal, which is not just.

l. 2. modo] = *dum modo* 'provided that.'

l. 3. sine iniuria] i.e. salva fide et pietate in proximos. *H.* On *id facere* = reddere see note to § 4.

§ 49. acceptorum habendi] 'as regards benefits received, we must make a selection between them.' Beier comp. Aristotle Eth. Nic. VIII 13, 9 ff. *δυναμένῳ δὴ ἀνταποδοτέον τὴν ἀξίαν ὧν ἔπαθε—ἐν ἀρχῇ δ' ἐπισκεπτέον ὑφ' οὗ εὐεργετεῖται καὶ ἐπὶ τίνι. Ἆρ' οὖν διὰ μὲν τὸ χρήσιμον τῆς φιλίας οὔσης ἡ τοῦ παθόντος ὠφέλεια μέτρον ἐστιν; οὗτος γὰρ ὁ δεόμενος καὶ ἐπαρκεῖ αὐτῷ ὡς κομιούμενος τὴν ἴσην. Τοσαύτη οὖν γεγένηται ἡ ἐπικουρία, ὅσον οὗτος ὠφελεῖται· καὶ ἀποδοτέον δὴ αὐτῷ ὅσον ἐφεύρατο, ἢ καὶ πλέον· κάλλιον γάρ· ἐν δὲ ταῖς κατ' ἀρετὴν—μέτρῳ ἔοικεν ἡ τοῦ δράσαντος προαίρεσις*, and Horace Epist. I 7, 24 *dignum praestabo etiam pro laude merentis.*

l. 5. maximo cuique] sc. *beneficio.*

l. 7. multi—multa] a pleonasm like *multi saepe*, § 74 l. 23, II § 20.

l. 8. sine iudicio vel morbo in omnes—incitati] 'without discrimination, urged either by a diseased impulse towards all alike, or else by some mental excitement sudden as the wind, some fit of generosity towards individuals.' For this use of *morbo* cp. Tusc. IV § 24 *intellegatur perturbationem iactantibus se opinionibus inconstanter et turbide, in motu esse semper; cum autem hic fervor concitatioque animi inveteravit et tamquam in venis medullisque insedit, tum existit et* morbus *et aegrotatio;* Seneca de benef. I 14, 1 *beneficium qui quibus libet, dat nulli gratum. —numquid enim me dignum iudicavit?* morbo *suo morem gessit.*

l. 11. iudicio] i.e. cum iudicio. For a similar combination of ablative and adverb cp. § 61 *magno animo, fortiter excellenterque.*

delata] i.q. collata.

sed in collocando cet.] i.e. indigentissimo cuique potissimum opitulandum: translate 'but in bestowing a kindness, as well as in requiting an obligation, other things being equal, this is a special duty, according as men most need assistance, so by preference to assist them. The contrary is the course adopted by most people; for whomsoever they expect the most from, even though he stands in no need of them, they still hold themselves at his service above others.' For *collocando beneficio* cp. II § 71 *apud fortunatos* beneficium collocari. For ut quisque used with one superlative followed by ita with another see P. S. Gr. p. 280 3 *a* and cp. l. 18, de am. § 19.

l. 13. officii est] i.q. *in officio est* § 47.

l. 15. contra] i.q. prorsus aliter, 'contrariwise.' Cp. II § 7, de orat. II § 330 *caute an contra demonstrata res sit*, Acad. II § 103 *esse rerum eiusmodi dissimilitudines, ut aliae probabiles videantur, aliae contra:* Hand Tursell. II p. 112.

CHAPTER XVI

§ 50. He now proceeds to the consideration of the fourth (placed third § 45) ground of merit, viz. the degree of *communitas* and *societas vitae*, which subsists between each, and begins with investigating the natural principles of human society from their origin. On the subject see Grotius *de Iure Belli ac Pacis*, II vii § 10.

l. 20. naturae principia—communitatis] see to § 43 l. 22.

l. 22. altius] i.q. *ἄνωθεν*: so Vergil Georg. III 285 *altius omnem expediam prima repetens ab origine famam.*

est enim primum] 'now the first principle is that which is seen in the connexion subsisting between the whole human race: the bond of this connexion is.' *Enim*, like *γάρ*, serves to introduce the explanation announced, § 101 l. 24. Zumpt Gr. § 345 *note*, Hand Turs. III p. 383.

l. 23. eius] sc. societatis.

l. 24. ratio et oratio] 'reason and discourse,' § 12 *eademque natura vi rationis hominem conciliat homini et ad orationis et ad vitae societatem*, § 94 l. 19.

l. 25. communicando] sc. animi sensu proferendo, 'by conversation,' III § 49.

disceptando] 'by discussion.' 'Disceptare est rationes conferre et expendere, suas tueri alienas elevare.' *Z.* See n. to § 34 l. 6.

inter se] 'one another,' cp. *inter ipsos* § 51, *hominum inter homines* § 22. P. S. Gr. p. 495, Roby Gr. II 2306.

l. 26. ulla re longius] i.e. quam ratione et oratione.

l. 27. a natura ferarum] i.q. *a feris*, see n. to § 18 l. 24.

l. 28. in equis in leonibus] § 43 l. 22 presents a similar asyndeton.

bonitatem] i.q. *beneficentiam, benignitatem, liberalitatem*, § 118.

§ 51, l. 30. ac latissime quidem—haec est] 'and so this is the most widely extensive society which unites men as men together and each to each.' Societas (quae omni generi hominum communis est), et quae cuique cum quocumque homine intercedit. *H.*

inter ipsos] P. S. Gr. p. 495, § 236 *note* 1.

l. 33. ut quae discripta sunt cet.] 'so that—while all assigned as private property by the statutes and civil law is so possessed, as has been settled by these laws—everything else (not included in the laws) be regarded in such way as is expressed in the Greek proverb *Amongst friends all things in common.*' Discribere means *distributione facta assignare singula singulis*, 'to apportion,' 'to assign the several parts to each,' as in §§ 15, 21, 102, 138: comp. de sen. II § 8 *ceterae partes aetatis bene discriptae sint;* XVII § 39 *dimensa atque discripta;* ep. ad div. XVI 11 *Italiae partes discriptae sunt quam quisque partem tueretur.* The proverb *κοινὰ τὰ φίλων* is attributed by Plutarch to Diogenes: it occurs in Aristotle Eth. Nic. VIII 9, 1, Pol. II 3.

P. 21, l. 5. transferri potest] 'may be applied,' Lucr. I 870 *transfer item, totidem verbis utare licebit*, Senec. epist. 65, 3 *quod de universo dicebam, ad haec transfer.*

l. 6. comiter] i.e. benigne et non gravate, 'graciously.' Cp. Diphilus Parasit. ap. Athenae. VI p. 238 F *ἀγνοεῖς ἐν ταῖς ἀραῖς ὅ τι ἐστίν, εἴ τις μὴ φράσει' ὀρθῶς ὁδόν, ἢ πῦρ ἐναύσει' ἢ διαφθείρει' ὕδωρ.* (Mein. Com. IV p. 205.)

l. 7. suo] monosyll. by crasis: see Zumpt Gr. § 11, Kenn. p. 516, so Lucret. I 1022, V 420, III 425 after Ennius. The first line (Ribbeck Trag. Lat. 366) is qu. by Cic. pro Balb. § 36. See also de off. III § 55.

l. 8. lucet] The subject is *lumen.*

§ 52, l. 11. illa communia] sc. praecepta, i.e. 'those general precepts, common maxims, of humanity.'

l. 12. deliberanti] 'one in suspense, seeking advice of himself.' *Deliberare* is derived from *libra* 'a balance' and signifies 'to weigh well in one's mind;' it is used only in later Latin in the sense of *consulere* 'to consult an oracle,' as Cornel. Nep. Milt. c. 1, 2 *Delphos* deliberatum *missi sunt*, Themistocl. c. 2, 6 *miserunt Delphos consultum*, deliberantibus *Pythia respondit*.

l. 14. his utendum est] Zumpt understanding *praeceptis* explains it as haec exsequi debemus praecepta: Beier differently: *ut ipsi haec ab aliis capiendi veniam habemus, sic invicem nos quoque—afferre debemus* 'as we are to avail ourselves of these benefits, so we must always contribute something to the common weal.' Cp. § 22 *communes utilitates in medium afferre*.

l. 16. vulgaris liberalitas] i.e. quae omnibus gratificatur, 'this universal bounty (i.e. of always giving something of our own for the general benefit) must be regulated by the limit which Ennius prescribes in the saying '*It gives himself ne'er the less of light*,' so that we may have the means of being liberal to our own friends.' That is, we are not to be so open-handed to all, as to put it out of our power to assist those who are more nearly allied to us than those connected with us merely by the tie of our common humanity.

CHAPTER XVII

§ 53, l. 21. gentis, nationis] Gens is a general name for 'people,' 'race,' and includes the particular term natio, 'tribe.' So Tac. Germ. c. 2 *ita nationis nomen, non gentis evaluisse*, ib. c. 38, Vell. Pat. II 98, Cic. de nat. deor. III § 93 *deus non curat singulos homines nec* nationes *nec* gentes. 'Itaque gentem Germanorum dixeris' adds Zumpt, 'nationes Saxones, Bavaros, Francos, Suevos al.' See Merivale n. to Sallust Cat. c. 10.

l. 22. interius etiam est cet.] 'it is a still closer bond to be a member of the same state.' Cp. III § 69 interior *societas*.

l. 25. consuetudines et familiaritates] 'acquaintanceships and intimacies.' Gruber makes *consuetudines*=mores, instituta.

l. 26. res rationesque contractae] 'business transactions, commercial dealings,' § 15. On the relation between *res* and *ratio* see some excellent remarks in Donaldson's *Varronianus* p. 365, cp. pro Deiotar. § 27 *cum hominibus nostris consuetudines, amicitias, res rationesque iungebat*, pro Quinct. § 19 *nisi prius de rebus rationibusque societatis omnibus decidisset;* pro Cluent. c. 14 *cum illo iam nemo rationem, nemo rem ullam contrahebat*. Res contractae are 'bargains,' rationes contractae are 'accounts' as between debtor and creditor. On *multis* (=a multis), *cum multis* comp. § 104 *multa multorum facete dicta*, II § 64 *multa multis de suo iure cedentem*.

l. 27. ab illa] 'from off that,' from that as a starting point.

§ 54, l. 31. prima societas] 'the first bond of union is that between husband and wife.' In § 50 Cicero beginning with the general bond of union descends to the particular: he now ascends from the particular bond of union (i.e. marriage) to the more general. Cp. de fin. V § 65, Stobaeus eclog. ethic. p. 322 Heeren.

P. 22, l. 1. id autem est principium urbis] 'Domestic government seems, so far as our experience carries us, to have been the origin of political government. Some philosophers (as Plato de rep. II p. 369, Senior *Pol. Econ.* p. 75) trace the origin of civil society to the division of labour; but

this is rather the firstfruits of political government.' Sir G. C. Lewis *on the Methods of Observation and Reasoning in Politics*, I p. 14. Cp. § 157.

l. 2. seminarium] properly 'nursery-garden,' 'seedplot,' hence figuratively 'nursery,' cp. Quintus Curtius VIII 21, 6 *haec cohors velut seminarium ducum fuit*, Liv. XLII 61 *equites seminarium senatus*, Cic. in Cat. II § 23 *seminarium Catilinarum*.

l. 3. consobrinorum cet.] 'first and second cousins.' *Consobrini* (consoror-ini) are 'sister's children:' brother's children are *fratres patrueles:* the children of my father's sister are to me amitini, for those of my mother's brother there is no single word. Consobrini, however, may be applied generally to 'cousins,' as sobrini is to 'cousin's children.'

l. 4. tamquam in colonias] Plato leg. VI p. 776 A *μητρὶ καὶ πατρὶ καὶ τοῖς τῆς γυναικὸς οἰκείοις παρέντας χρὴ τὰς αὐτῶν οἰκήσεις, οἷον εἰς ἀποικίας ἀφικομένους αὐτοὺς—οἰκεῖν γεννῶντάς τε ἅμα καὶ ἐκτρέφοντας παῖδας.*

l. 5. conubia] 'legal marriages' according to the prescribed form, in opp. to *coniugium* the general term for the intercourse of the sexes, applicable also to beasts.

adfinitates] 'connexions by marriage,' by whom we increase our number of kinsmen. The names of adfines are:—

socer, i.e. mariti uxorisve pater, 'father-in-law,'
socrus, i.e. mariti uxorisve mater, 'mother-in-law:'
gener, i.e. filiae maritus, 'son-in-law,'
nurus, i.e. filii uxor, 'daughter-in-law:'
vitricus, i.e. matris maritus posterior, 'stepfather,'
noverca, i.e. patris uxor posterior, 'stepmother:'
privignus, i.e. filius ex priore marito aut priore uxore genitus, 'stepson,'
privigna, i.e. 'stepdaughter:'
levir, i.e. mariti frater, 'a husband's brother,'
glos, i.e. mariti soror, 'a husband's sister.'

l. 6. suboles] 'the after or fresh growth,' Germ. 'nachwuchs,' a word of rare occurrence, as Zumpt remarks, in prose, but in this passage peculiarly appropriate. On the meaning of the word see Munro, *Journal of Classical Philology*, Vol. IV p. 291 ff.

l. 7. benevolentia et caritate] 'by kindliness and affection.' These words are often so joined, cp. de am. § 20, pro Sest. § 6, Phil. II § 107, § 112.

§ 55, l. 8. monumenta maiorum] The sight of their ancestors' statues would be a powerful incitement to imitate their example. Brut. § 62 *ipsae enim familiae sua quasi ornamenta ac* monumenta *servabant et ad usum, si quis eiusdem generis occidisset, et ad memoriam laudum domesticarum et ad illustrandam nobilitatem suam*.

l. 9. eisdem uti sacris] Each *gens* or 'house' at Rome had its own religious ceremonies, sacra gentilitia, *quibus praeter cognatos et affines nemo interponebatur:* cp. har. resp. § 32, de leg. II § 47. Thus Livy V 46 speaks of a *statum genti Fabiae sacrificium*. The performance of such sacra was a civil and religious obligation upon the heir: hence the expression sine sacris hereditas, 'an inheritance without any obligations.'

l. 12. illud enim honestum] 'for that moral goodness etc.' Sentis enim virtutis nomen usu nimis tritum, quodque de quavis excellentia artis dicatur, minus aptum visum esse auctori, honestum autem pro substantivo adhibitum novum esse. Itaque excusat se quodam modo auctor, quod eo verbo, utpote in philosophica tractatione, frequenter utatur. *Z.* The force of *enim* extends to the clause ending with *unus fiat ex pluribus*.

§ 56, l. 18. copulatius] 'more closely cemented.' Comp. Quintilian declam. 307 '*iungit amicitias similitudo morum: nescio quomodo inter se animorum lumina vident et agnoscunt: nec quisquam amare in altero potest, nisi quod tacitus probat.*' Copulatius is taken actively (=*copulantius*) by Gernhard who compares the words cautus=qui cavere solet, consideratus=qui considerare solet, circumspectus=qui circumspicit, to which Beier adds falsus=qui fallit, tacitus=qui tacet.

in quibus eadem studia sunt] The Stoics held that *solus sapiens scit amare, solus sapiens amicus est.* Comp. Diog. Laert. VII 114 τὴν φιλίαν ἐν μόνοις τοῖς σπουδαίοις εἶναι διὰ τὴν ὁμοιότητα: Cicero de amic. § 15, § 18, *hoc primum sentio, nisi in bonis amicitiam esse non posse.*

l. 19. aeque quisque altero delectetur ac se ipso] 'each is as much delighted with the other as with himself:' comp. § 4 *uterque suo studio delectatus contempsit alterum.*

l. 21. vult] So the MSS. But Heine and others read *ultimum putavit*, 'considered of the highest importance,' on the authority of Nonius s.v. *ultimum*. Cp. de fin. III § 30 *summum bonum, quod ultimum appello.*

ut unus fiat ex pluribus] The Stoic definition of friendship was (Diog. Laert. VII 23 and I 24) κοινωνία τις τῶν κατὰ τὸν βίον, χρωμένων ἡμῶν τοῖς φίλοις ὡς ἑαυτοῖς. Cp. ib. § 23 (of Zeno) ἐρωτηθεὶς τίς ἐστι φίλος; ἄλλος, ἔφη, ἐγώ, Aristot. Eth. Nic. IX c. 9 § 10 ὡς πρὸς ἑαυτὸν ἔχει ὁ σπουδαῖος, καὶ πρὸς τὸν φίλον· ἕτερος γὰρ αὐτὸς ὁ φίλος ἐστί, ib. c. 4 § 5 ἔστι γὰρ φίλος ἄλλος αὐτός, ib. c. 8 § 2, and his definition of friendship ap. Diog. Laert. V § 20 as μία ψυχὴ δύο σώμασι ἐνοικοῦσα. See my note on Minuc. Fel. ch. I.

l. 23. ultro et citro] 'mutually,' lit. 'from yourself and to yourself.'

l. 24. inter quos ea sunt cet.] Beier compares Aristot. Eth. Nic. VIII 8, 6 οἱ χρήσιμοι δὲ καὶ ἡδεῖς ἐπὶ πλεῖον διαμένουσιν (φίλοι)· ἕως γὰρ ἂν πορίζωσιν ἡδονὰς καὶ ὠφελείας ἀλλήλοις.

§ 57, l. 30. caritates] passive, qui cuique cari sunt, ut ap. Ammian. Marc. XXIV 1, 9 *reliqui—cum caritatibus suis.* BEIER

P. 23, l. 1. occupati et sunt et fuerunt] He refers to Antony and his adherents then alive (cp. II § 3, III § 1—3) and to the Gracchi, Catiline (cp. § 76), Clodius, Caesar (§ 26) now dead.

§ 58. contentio et comparatio] § 152 l. 4, II § 71 l. 32.

l. 4. quorum beneficiis maximis obligati sumus] 'by whose services we are most bound.' *Maximis* is here not an epithet but a secondary predicate: in Greek it would be rendered by ταῖς εὐεργεσίαις μεγίσταις.

l. 5. spectat in nos solos] 'looks to us alone for protection,' 'help.' Cp. Aristoph. Pac. 635 ἔβλεπεν πρὸς τοὺς λέγοντας i.e. 'ab oratoribus aliquid expectabat,' Soph. Antig. 390, Eur. Iph. T. 1056, Hesiod Opp. 475 οὐδὲ πρὸς ἄλλους αὐγάσεαι sc. auxilii capiendi causa.

l. 6. bene convenientes] i.e. concordes, 'with whom we are on good terms.' Cp. pro Sext. Rosc. § 97 *tot propinqui cognatique optime convenientes.*

l. 11. obiurgationes] Comp. Proverbs xxvii 6 'faithful are the wounds of a friend but the kisses of an enemy are deceitful,' Cic. de am. § 88, § 89.

vigent maxime] means, 'find their proper sphere,' 'have most effect:' *vigere* is more than *vivere*, it denotes life in its activity.

CHAPTER XVIII

§ 59, l. 14. necesse sit] sc. *tribuatur.*

l. 16. ita] 'in this way we shall find that degrees of social connexion

are not identical with those of circumstances,' i.e. though, as a general rule, relations and the like claim our assistance in preference to any one else, there may be circumstances in which those not bound to us by such ties have a better claim. For *ita*=hac ratione, hac via, cp. II § 20 l. 33, § 24 l. 9, III § 31 l. 23, Hand Turs. III p. 486.

l. 17. necessitudinum] This word expresses some 'bond of union,' 'tie' formed by various circumstances, as by blood-relationship or affinity, by belonging to the same *collegium* or society, by being colleagues in office, by some services rendered, as in the case of intimate friends. Thus Cicero speaks of the *necessitudo* existing between himself and the Sicilians, formed by his having been Quaestor in Sicily (Div. in Caec.) and of the *necessitudo sortis* between Verres and Caecilius, arising from the relation they bore to each other as Praetor and Quaestor. Necessitudo does not differ from but is originally identical in meaning with necessitas, 'exigency,' 'straits,' being only the older form of the word: thus Sallust, who affects the use of archaic forms, uses it in its primary sense Cat. XVII 2 *in unum omnis convocat, quibus maxima necessitudo et plurimum audaciae inerant.* See Kritz *ad l.* and comp. Tacitus Ann. III 64. Still there is a difference in usage, thus defined by the ancient grammarians, viz. that *necessitas* means 'the actual constraint imposed,' *necessitudo*, 'the condition of a person in such a constraint.' Walther has a good note on this distinction in his edition of Tacitus Ann. I 9.

temporum] 'outward circumstances,' § 39 *temporibus adducti*, III § 19 l. 24.

l. 19. ut—citius adiuveris] 'as for example (I § 31) you would sooner assist,' the potential conjunctive: P. S. Gr. p. 338, Madv. Gr. § 350.

in fructibus percipiendis] 'in gathering in his harvest,' de sen. 19, 70 *reliqua tempora demetendis fructibus et percipiendis accommodata sunt.* Fructus, like καρπός, is used especially of cereal products, II § 12.

l. 22. consuetudo capienda] 'we must acquire the habit.' The expression is unusual, and its genuineness has been doubted, but it is vindicated by Burmann on Ovid Art. Am. II 346, and Ernesti who in his *Clavis* s. v. compares Cic. Phil. III § 29 *patrium animum virtutemque capiamus*, nat. deor. II § 140 *deorum cognitionem capere*, Phil. V § 49 *qui sensum gloriae ceperit*, pro Quinct. § 97 *capere misericordiam* i.e. misereri.

l. 23. boni ratiocinatores] 'accurate calculators,' i.e. in striking a balance of claims and obligations, so as to know how much is due to each. The Stoics considered this εὐλογιστία as a special virtue: Stobaeus ecl. eth. p. 106 εὐλογιστίαν ἐπιστήμην ἀνταναιρετικὴν καὶ συγκεφαλαιωτικὴν τῶν γιγνομένων καὶ ἀποτελουμένων.

l. 24. addendo deducendoque cet.] 'by adding and subtracting ascertain what is the amount of the remainder, and so perceive the proportion due to each.' 'Proprie non nisi *addendo* convenit *summa, reliqui fit* non nisi *deducendo*, sed per zeugma quoddam utrumque ad utrumque pertinet.' BEIER

§ 60, l. 29. traduntur illa quidem] 'are delivered, it is true, but.' The pronoun *ille* is frequently inserted before the particle *quidem* with a concessive signification, as § 2, § 16, § 66, *magnas illas quidem, sed*, § 95 *totum illud quidem*, § 103 *uti illo quidem*, III § 71, 118; more rarely the other personal pronouns, e.g. is, Tusc. disp. IV § 5 *sapientiae studium vetus id quidem in nostris sed tamen cet.*; § 60 *est ea quidem utilior sed raro proficit*; tu, de off. I § 2 *disces tu quidem sed.* See Kühner n. to Tusc. disp. I § 6, Madvig Gr. § 489 b, Roby Gr. II 2259.

l. 30. facimus] i.e. *tradimus.* See n. to § 4 l. 18.

l. 32. quae sunt in iure societatis humanae] i.e. quae iusta sunt in societate h. 'which are right in human society.' So *in vitio, in laude, in vero esse*, for *vitiosum, laudabile, verum esse:* see § 23 l. 18, § 42 l. 1.

l. 33. ex quo aptum est] 'on which it (duty) depends.' Cp. Paradox. 2 § 17 *nemo potest non beatissimus esse, qui est totus* aptus ex se.

P. 24, l. 2. manaret] on the tense see n. to II § 1.

l. 3. humanas res] i. q. externas, § 13 l. 7.

§ **61, l. 5. in promptu]** the phrases most readily occurring (I § 6), when reproach is designed, are such as those which occur in the verses etc.

l. 6. vos enim] These verses are taken from some old unknown poet. Lachmann, *Lucret.* IV 211, was the first to read the line as a trochaic septenarius, in which *enim* is a pyrrhich, and *illa* has the first syllable short: the old reading was

vos enim, iuvenes, animum geritis, muliebrem, Illa virago viri.

viri] sc. animum gerit.

l. 8. Salmacida] 'descendant of Salmacis' (nickname for a coward). Salmacis is the name of a spring in Caria, whose waters were said to have an enervating property; see Ovid's Metam. IV 285 ff., then of a voluptuous nymph. *Spolia sine sudore et sanguine* = ἀνιδρωτὶ καὶ ἀναιμωτὶ νίκα.

l. 9. in laudibus] 'in the case of praises,' when we praise: so § 46 l. 19, in probris above l. 5. See Nägelsbach lat. Stil. p. 335.

magno animo fortiter excellenterque] cp. § 49 l. 11.

l. 10. nescio quo modo] non semper rectum iudicium sequentes. BEIER

pleniore ore] Muretus var. lect. I 15 has collected many instances of such parecheses.

l. 11. hinc rhetorum campus] i.e. hinc fit, ut laudes Marathonis sint rhetorum campus, 'hence (because we love to praise such deeds) there is a field for declaimers in.' Marathon, Salamis, Plataea, Thermopylae, places where the Greeks gained signal victories over the Persians, and Leuctra celebrated for the signal defeat of the Lacedaemonians by Epaminondas, were *loci communes* for rhetoricians. For the meaning of campus 'theme' cp. ac. pr. II § 112, de orat. III § 124.

l. 12. Cocles] Horatius Cocles, who defended the bridge over the Tiber against the army of Porsena, and so prevented the capture of Rome. See Paradox. I § 12, Liv. II 10. The two Decii, father and son, sacrificed themselves for the welfare of their country, the former in a battle against the Latins and Campanians, fought not far from the foot of Mount Vesuvius, the latter in an action against the Samnites, Umbrians, Hetruscans and Gauls. See III § 16.

l. 13. Scipiones] The brothers Scipio are frequently made mention of by Cicero, III § 16, Cat. mai. § 75, Lael. § 21, Parad. I § 12. Gnaeus, the younger (mentioned first, perhaps, because he was consul before his brother B.C. 222), was the father of P. Cornelius Scipio Nasica; Publius, the elder, of the elder Africanus and L. Scipio Asiaticus. They both fell in the second Punic War, after conquering Hasdrubal the brother of Hannibal, and subduing Spain, B.C. 212. Livy XXIII 49, XXV 32—36, Cic. pro Balbo § 34 *cum duo fulmina nostri imperi subito in Hispania* Cn. *et* P. Scipiones *extincti occidissent*, Lucret. III 1034.

Marcellus] M. Claudius M. F. Marcellus, celebrated as five times consul and the conqueror of Syracuse (B.C. 212, *Siculae victor telluris* Prop. IV 18, 33), who slew Viridomarus, king of the Insubres, a Gallic tribe, with his own hand (Tusc. IV § 49), and gained the third and last

spolia opima which were obtained in Rome (B.C. 223, Plutarch Marc. c. 6, Aurel. Vict. de vir. ill. ch. 45). He was slain at Venusia in the eleventh year of the 2nd Punic War (B.C. 208, Tusc. I § 89) under circumstances which compelled even Hannibal, his greatest enemy, to allow him sepulture: *interitum eius ne crudelissimus quidem hostis honore sepulturae carere passus est*, Cato mai. § 75, Liv. XXVII 26, 27, cp. Vergil Aen. VI 856—860, Cic. de div. II § 77. Marcellus is singled out with Maximus for praise, Tusc. I § 110, pro Planc. § 60, pro l. Manil. § 47, de nat. deor. II § 165, III § 80.

l. 14. alii] sc. *a rhetoribus laudantur* to be supplied from *rhetorum campus.*

l. 16. ornatu militari] i.e. non togatas sed equestres. BEIER. Heine quotes Pliny n. h. XXXIV 5, 10 *Graeca res nihil velare, at contra Romana ac militaris thoracas addere.* **fere]** 'generally,' 'as a rule,' II § 69.

CHAPTER XIX

§ **62, l. 17. animi elatio]** 'self-elevation,' 'high spirit,' I § 61 l. 3.

l. 20. in vitio est] 'is faulty,' § 23, § 47, § 60.

l. 22. probe] i.q. *recte, praeclare.*

definitur a Stoicis] Tusc. IV § 53 fortitudo *est scientia rerum perferendarum vel adfectio animi in patiendo ac perferendo summae legi parens sine timore.*

§ **63, l. 28. illud Platonis]** Menexenus p. 246 E πᾶσα ἐπιστήμη χωριζομένη δικαιοσύνης καὶ τῆς ἄλλης ἀρετῆς πανουργία, οὐ σοφία φαίνεται. The second clause *verum etiam cet.* Heusinger compares with the Laches p. 197 B ταῦτ' οὖν, ἃ σὺ καλεῖς ἀνδρεῖα καὶ οἱ πολλοί, ἐγὼ θρασέα καλῶ.

l. 32. habeat] jussive conj.

l. 33. eosdem] 'likewise,' 'at the same time,' as § 43 *nihil liberale quod non* idem *iustum.* P. S. Gr. p. 285 n. 1.

l. 34. quae sunt ex media laude iustitiae] 'which spring from the innermost (i.e. fundamental) praise of justice,' i.e. which are fundamental, essential, parts of justice. Comp. de leg. II § 53 *hoc e* medio *est iure civili*, de orat. I § 180 *in* medio *iure civili versari.*

P. 25, § 64, l. 1. illud odiosum est, quod] 'there is this disagreeable circumstance, namely that.' Cp. § 26 and § 74.

l. 4. ut apud Platonem est] cp. § 87, § 118, II § 40, Tusc. 4 § 49. The passage referred to is in the Laches p. 182 E Λακεδαιμονίους οἷς οὐδὲν ἄλλο μέλει ἐν τῷ βίῳ ἢ τοῦτο ζητεῖν καὶ ἐπιτηδεύειν ὅ τι ἂν μαθόντες καὶ ἐπιτηδεύσαντες πλεονεκτοῖεν τῶν ἄλλων περὶ τὸν πόλεμον.

omnem morem] 'the entire national character.'

l. 6. animi magnitudine] 'courage,' 'high spirit.'

ut quisque—ita maxume] see n. to § 21 l. 29.

excellet] the form excelleo is found in the best MSS of Cicero. So *excelleat* Tusc. II § 43, pro Balbo § 15, *antecellet* pro Mur. § 29.

l. 7. vel potius] 'or I should rather say,' II § 50.

solus esse] in allusion to Pompey and Caesar, of whom Florus IV ii 14 says *nec hic* (Pompeius) *ferebat parem nec ille* (Caesar) *superiorem.* Similarly Velleius Paterculus II 33 *nam neque* Pompeius, *ut primum ad remp. adgressus est, quemquam animo parem tulit, et, in quibus rebus primus esse debebat*, solus *esse cupiebat.*

l. 9. aequitatem] i.e. aequam mentem in diiudicandis aliorum hominum virtutibus ac meritis, dum se quisque ceteris praestare censet. *Z.*

l. 10. neque disceptatione—nec ullo—legitimo iure] 'neither by discussion (§ 34, § 50) nor by any constitutional law.'

l. 11. exsistuntque plerumque largitores et factiosi ut—consequantur] 'but they too often prove to be unscrupulous bribers and agitators in the state, in order to obtain the greatest possible influence.' On the use of *que* after a negative see n. to § 22 l. 32, § 68 l. 27. Factio was the term applied to associations and combinations among the rich and powerful for unlawful purposes. Consequantur, final subj. after ut.

l. 13. quo difficilius, hoc praeclarius] i.e. *est* (sc. *servare aequitatem, cum praestare omnibus concupieris*), 'the greater the difficulty, the greater the glory.'

l. 14. quod—debeat] subj. because quod is used in a consecutive or generic sense, 'of such a kind that;' so *desideret* l. 25 below.

§ 65, l. 15. igitur] 'so then,' 'the upshot is.' Colligit quae ante exposuit, breviora quaedam praecepta dat. *Z.*

l. 18. quod maxume natura sequitur] 'which nature most aspires to,' i.e. which is chiefly aimed at by those who follow the dictates of nature. See n. to § 35 l. 15.

in factis—non in gloria] cp. ad fam. XV 4, 13 *si quisquam fuit umquam remotus ab inani laude et sermonibus vulgi, ego profecto is sum. Testis est consulatus meus in quo sicut in reliqua vita fateor ea me studiose secutum, ex quibus vera gloria nasci posset, ipsam quidem gloriam per se numquam putavi expetendam.*

l. 19. principem se esse mavult] i.q. *princeps esse mavult*, cp. §§ 113, 117: II §§ 24, 62, 70, 78: III § 17. Sallust Cat. c. 1 *qui sese student praestare ceteris animalibus.* Kühner on Tusc. I § 98 endeavours to establish a difference between the two constructions with a nominative and accusative respectively: he says that, where the stress is laid on the wish, the former is usual: where on the object of the wish, the latter. Hence he accounts for the latter being common where there is an adjective added to the substantive. Thus *cupit fortem se esse virum* would be a more usual expression than *cupit fortis esse vir.* For the sentiment cp. II § 43, de am. § 98, Hor. Ep. I 16, 17 *tu recte vivis, si curas esse quod audis.*

l. 20. errore] 'the erroneous judgment.'

l. 21. facillime—ut quisque] I § 21 l. 28.

l. 23. locus lubricus] 'a difficult topic to discuss,' because glory is not to be condemned as a spring of action, though it is apt altogether to mislead us.

l. 25. qui—non—desideret] consecutive subjunctive after *qui*, as above l. 15. For the sentiment cp. Philipp V. 35 (of Brutus) *neque enim ullam mercedem tanta virtus praeter hanc laudis gloriaeque desiderat*, pro Arch. § 28.

CHAPTER XX

§ 66, l. 26. omnino] see note on § 79 l. 6.

l. 27. quarum una—altera est] See § 44, § 19 l. 28.

rerum externarum] 'outward circumstances,' such as are not under our own control, but depend on another's will and the caprice of fortune, § 13.

l. 29. honestum decorumque] *honestum* refers to the moral character, *decorum* to the external propriety which arises from it, § 93.

l. 30. optare—expetere] 'to choose'—'to covet.'

l. 31. nullique neque homini neque p. a. nec f. suc.] 'If a negative proposition branches into two clauses with neque—neque, the proposition remains negative: Cic. ep. ad fam. XIV 13 *Caesar numquam neque fecit neque fecisset ea quae nunc ex falsis eius commentariis proferuntur* P. S. Gr. p. 324. Cp. de off. I § 92 l. 3 *nullo neque turpi quaestu neque odioso*, Vergil Ecl. IV 55 *non me carminibus vincat* nec *Thracius Orpheus* nec *Linus*, Aen. IX 426 *nihil iste* nec *ausus* nec *potuit*, Petr. Arbit. Satyr. c. 58 *nec sursum nec deorsum non cresco*, Cic. Tusc. III § 4 *ea nescirent—nec ubi nec qualia essent*, ib. I § 60 non *est nec cordis nec sanguinis nec cerebri.*

l. 32. succumbere] sc. oportere. **altera est res ut]** 'the second thing required is that.' See note to § 19, Madvig Gr. § 374, P. S. Gr. p. 440.

l. 33. cum ita sis affectus] dependent and assimilated subjunctive. For the meaning of *affectus* cp. I § 79, III § 21, § 29, de fin. V § 24.

l. 34. illas quidem] § 60 l. 29.

P. 26, l. 1. [ut] vehementer arduas] *ut* may be repeated as in de orat. II § 251 *salsum hunc possum dicere atque ita, non ut eiusmodi oratorem esse velim, sed ut mimum*, Brut. § 318 *omni huic sermoni propositum est non ut ingenium et eloquentiam meam perspicias, unde longe absum, sed ut labores et industriam.*

vehementer] II § 64 l. 18, § 73 n.

§ 67, l. 3. harum rerum] sc. of the two things just mentioned, in which greatness of mind is seen, viz. (1) insensibility to the accidents of fortune, (2) the performance of glorious actions. The former is the cause, making great men what they are; the latter, the effect of their being such: because they have the former quality, therefore it is that they are enabled to attain the latter.

l. 4. addo etiam utilitatem]=praeterea utilitas, ep. ad fam. III 7, 5 *homo summa prudentia,...plurimo rerum usu, addo urbanitatem.*

l. 5. causa et ratio] 'the true ground.'

l. 7. humana contemnentes] I § 145 l. 26, II § 11 l. 23.

id autem ipsum] sc. quod excellentes animos facit.

l. 8. in duobus]=in duabus rebus.

l. 10. perturbatione] 'an emotion,' 'passion.' Cp. Spenser F. Q. II, 5, 1 *to which right well the wise do give that name* (perturbation), *for it the goodly peace of stayed mindes | does overthrow and troublous warre proclaime.* See Cicero de fin. III § 35 *perturbationes animorum quae vitam insipientium miseram acerbamque reddunt, quas Graeci πάθη appellant, poteram morbos appellare, sed non conveniret ad omnia...Sit igitur perturbatio, quae nomine ipso vitiosa declarari videtur; omnesque eae sunt genere quattuor, partibus plures, aegritudo, formido, libido, laetitia, omnia quae sunt opiniones ac iudicia levitatis; itaque his semper sapiens vacabit*, Tusc. IV § 11 *est igitur Zenonis haec definitio, ut perturbatio sit, quod πάθος ille dicit, aversa a recta ratione contra naturam animi commotio... Partes autem perturbationum volunt ex duobus opinatis bonis nasci et ex duobus opinatis malis:...ex bonis libidinem et laetitiam;...ex malis metum et aegritudinem nasci censent*, ibid. III § 24.

l. 12. ratione stabili firmaque] 'upon fixed and settled principles,' not wavering in our estimate of their value. P. S. Gr. § 151, Roby Gr. II § 234.

fortis animi ducendum est] genitive, as an invariable secondary predi-

cate 'is to be reckoned characteristic of:' Roby Gr. II 1280, Madvig Gr. § 282, P. S. Gr. p. 413.

l. 14. quae multa cet.] 'which occur in human life in many and various forms.'

l. 16. a statu naturae]=σύστασις φυσική: 'per eandem metaphoram a palaestra mutuatam dicitur quam § 80 *de gradu deici.*' *H.* Disregard for the gifts of fortune (ἀταραξία) is the 'natural state,' because such gifts have merely a conventional value put upon them by society. Cp. Seneca ad Marciam c. VII, Introd. § 17.

§ 68, l. 18. non est consentaneum—cupiditate] Fortitude consists in freedom from irregular passions, of which Desire is one. Whoever therefore does not control his desires, offends against Fortitude as well as against Justice: see c. VIII.

l. 20. invictum a labore] i.e. ad laborem quod attinet, 'in respect of hardship,' Roby Gr. II 1813, Hand Tursell. I p. 57 ff.

vinci a voluptate] sc. in the struggle with pleasure, as a personified thing; for 'in the passive a thing is only represented as acting (by adding the preposition *ab* instead of the mere *ablativus instrumenti*), when it is thought of as a person.' Madvig Gr. § 254 obs. 1, Roby Gr. II § 1221, Hand Tursell. I p. 27: cp. § 103 l. 16 *generati* a *natura.*

l. 21. videnda] 'must be looked to,' 'provided for,' i.e. *ne frangatur —neve vincatur.* So § 42 *videndum est ne obsit*, § 145, Terent. Haut. III 1 50 *aliud* (*vinum*) *lenius vide*, ep. ad Att. V 1 § 3 *ut prandium nobis videret* (i.e. 'provide'), ibid. XIV 21 *quare talaria videamus*, Liv. VII 14 *illi quoque tamen* videndum *esse, ut exercitum in potestate haberet.* Cp. Theocr. Idyll. XV 2 ὅρη δίφρον, Εὐνόα, αὐτᾷ, Epicrat. Antil. 1 (Mein. fr. com. gr. III p. 305) τὸ καθ' ἡμέραν ὁρῶσα πίνειν κἀσθίειν μόνον, and 1 Corinth. x 12 ὁ δοκῶν ἑστάναι βλεπέτω μὴ πέσῃ, Acts xiii 40 βλέπετε μὴ ἐπέλθῃ τὸ εἰρημένον ἐν τοῖς προφήταις.

l. 24. ad beneficentiam—conferre] Seneca de vit. beat. c. 23 § 5 *habebit* (sapiens) *sinum facilem, non perforatum, ex quo multa exeant et nihil excidat.*

l. 26. supra dixi] § 65.

l. 27. ac potius]=*vel potius* (§ 64 l. 7) 'or rather,' cp. ep. ad fam. I, 1 *ego omni officio ac potius pietate erga te ceteris satisfacio.*

l. 28. non accipienda]=recusanda, 'to be declined.'

§ 69, l. 31. ut tranquillitas animi et securitas adsit cet.] 'that there may be calmness of mind and freedom from care, which brings with it consistency and dignity of character.' Cp. § 72 l. 5. The Stoic division of the passions (*perturbationes*), which is finally once more referred to, lies at the bottom of the whole question. The four chief kinds of emotion are *aegritudo* 'sorrow for a present evil,' *metus* 'fear of a coming evil,' *voluptas* and *libido* 'joy at a present' and 'desire for a future good,' Tusc. III § 24, IV § 11. Anger (*iracundia*) according to Tusc. IV § 21 is only *subiecta* libidini, i.e. a subdivision of it.

l. 32. constantiam] the act of *sibi constare* (§ 71), which can only proceed from a regular subjection of the appetites to the control of reason, for the passions are irregular and inconsistent with one another.

P. 27, l. 1. in his] for *in his et nobilissimi philosophi—fuerunt, qui—ferre potuerunt:* cp. de nat. deor. I § 101 *Aegyptii nullam beluam, nisi ob aliquam utilitatem—consecraverunt; velut ibes maximam vim serpentium conficiunt* for quae conficiunt; Tusc. I § 104 *durior Diogenes—proici se iussit inhumatum.* For the sentiment cp. de orator. II § 56 *eadem autem alii prudentia, sed consilio ad vitae studia dispari quietem atque otium secuti, ut*

Pythagoras Democritus Anaxagoras, a regendis civitatibus totos se ad cognitionem rerum transtulerunt: cp. Plato's precept quoted § 28.

l. 2. longeque principes] Plato, Aristotle, Zeno.

quidam homines severi] such as Atticus, of whom Cornelius Nepos, his biographer, says (Att. c. 6) *in rep. ita est versatus, ut semper optimarum partium et esset et existimaretur, neque tamen se civilibus fluctibus committeret, quod non magis eos in sua potestate existimabat esse, qui se his dedissent, quam qui maritimis iactarentur:* or M. Pupius Piso Calpurnianus, consul B.C. 61, of whom Cicero Brut. § 236 *laborem forensem diutius non tulit, quod—hominum ineptias ac stultitias, quae devorandae nobis sunt, non ferebat iracundiusque respuebat, sive morose, ut putabatur, sive ingenuo fastidio.*

l. 4. non nulli] sc. philosophi and homines severi.

l. 5. delectati re sua familiari] 'content with (managing) their private estate' § 92 l. 27.

§ 70. quod regibus] The Stoics (Stobaeus ecl. eth. p. 224) held τρεῖς εἶναι βίους, τὸν βασιλικόν, τὸν πολιτικόν, τὸν ἐπιστημονικόν. Cp. Sall. Iugurth. 31, 26 *impune quaelibet facere id est regem esse;* Plato Gorg. p. 469 C ἀλλ' ἔγωγε (τυραννεύειν) τοῦτο λέγω, ἐξεῖναι ἐν τῇ πόλει ὃ ἂν δοκῇ πράττειν καὶ ἀποκτιννύντι καὶ ἐκβάλλοντι καὶ πάντα πράττοντι κατὰ τὴν ἑαυτοῦ δόξαν.

l. 6. libertate uterentur] repeat *ut* from the preceding *ne.*

l. 7. cuius proprium est sic vivere, ut velis] Aristot. Pol. V 11, 2 ἓν δὲ (σημεῖον τῆς ἐλευθερίας) τὸ ὡς βούλεταί τις ζῆν· τοῦτο γὰρ τῆς ἐλευθερίας ἔργον εἶναί φασιν, Cic. Parad. V § 34 *quid est libertas? Potestas vivendi ut velis*, i.e. in our being a law to ourselves.

CHAPTER XXI

hoc] sc. *propositum*, i.e. *vivere ut velis*, which is again referred to in the *id* immediately following.

l. 8. iis quos dixi otiosis] 'the aforesaid men of retired habits,' 'engaged in no public business.' On the meaning of *otiosus* see III § 1 n.

l. 10. et suo et parvo] i.e. et suo et eo parvo. The expression may be borrowed from the Homeric ὀλίγον τε φίλον τε (Il. I 167).

§ 71, l. 17. iis forsitan concedendum sit rem p. non capessentibus] 'perhaps we must excuse them for not taking part in public affairs,' Gr. συγχωρητέον ἐκείνοις μὴ κοινωνοῦσι (Donaldson, *New Cratylus* § 306 ed. 2). The construction is common in Greek after verbs such as πρέπει, λυσιτελεῖ, ἄμεινόν ἐστι, συμφέρει (e.g. Soph. Oed. R. 316 φεῦ φεῦ φρονεῖν ὡς δεινὸν ἔνθα μὴ τέλη λύει φρονοῦντι, 'where it does not pay to be wise'), but of rare occurrence in Latin: we have another instance in Tusc. II § 19 *adspice Philoctetam, cui concedendum est gementi.* On *concedere* for ignoscere cp. pro S. Rosc. § 3 *ceterorum temere dicto* concedi *potest*, ep. ad fam. VI 6 *si tibi, cui iustius videtur irasci posse*, concesserit.

l. 19. excellenti ingenio] descriptive ablative of quality, dependent on cum essent implied in *qui.*

l. 20. aliqua graviore causa] sc. alia, 'some other weighty reason,' see to § 23 l. 16.

l. 21. a re publica recesserunt] 'have retired from the service of the state.' Observe the repetition of the verb *concedendum—concederent*, and cp. § 44 *videre—videantur*, § 133 *vicit—vincerent.*

l. 22. quibus sit] subj. dependent upon the clause *si—dicant.*

l. 25. laudi dandum] predicative dative of purpose. P. S. Gr. § 142, Madvig § 249, Roby II 1160.

verum etiam vitio dandum] sc. hoc quod faciunt: see Introd. § 11.

l. 26. in eo quod contemnant] 'in so far as they despise,' Madvig Gr. § 365.

difficile factu] i.q. *difficile*, 'difficult of performance,' 'a hard matter.' The same pleonasm of the supine occurs de nat. deor. III § 1 *difficile factu est, me id sentire quod tu velis*, de rep. I § 65.

l. 27. tum offensionum et repulsarum] 'also of failures and of rejections (when a candidate).' *Tum* is often employed, without a corresponding cum, in the sense of 'also,' as §§ 14, 19, § 111, II § 15, de fin. II § 53 *animi conscientia improbos excruciari, tum etiam poenae timore*, Tusc. V § 7 *divinarum humanarumque rerum, tum initiorum caussarumque cuiusque rei cognitione*, Acad. II § 1 *magnum ingenium L. Luculli magnumque optimarum artium studium, tum omnis liberalis—doctrina. Offensio* (from *offendo*, which means (1) literally, 'to stumble against something,' 'strike the foot against,' προσκρούειν, (2) metaphorically, 'to clash,' 'come in collision with a man's feelings,' 'to give offence to') signifies (*a*) 'the act of striking against,' or 'stumbling,' or 'the thing against which you stumble;' (*b*) 'the giving offence to,' or 'that which gives offence.' This is the old sense of the English words 'offend' and 'offence,' as used in the New Test. 'Woe unto you, if you offend (i.e. lead into sin) one of these little ones.' 'It must needs be that offences (i.e. temptations) come.' The Greek equivalents are σκάνδαλον, 'a stumblingblock,' and σκανδαλίζω, 'to put a stumblingblock in the way.' In the present passage *offensio* has the sense of 'failure,' 'want of success,' cp. ep. ad fam. I 7 *illud tibi affirmo, si rem istam ex sententia gesseris, fore ut collaudere; offensionem esse periculosam*, Tusc. V § 103 *popularis offensio*, de imp. Pomp. IX 26 *hic in ipso illo malo gravissimaque belli offensione*, ib. X 28 *non offensionibus belli sed victoriis*, pro Planc. 21, 51 *offensiunculam accipere.* Cicero says quasi quandam *ignominiam* to modify the too strong expression, because hindrances in the way of success and repulses are not properly to be called *ignominia* or *infamia.*

l. 29. qui parum sibi constent] 'such as do not act consistently.'

l. 31. molliores] 'too unmanly, irresolute,' de fin. II § 64 *nec dolorem molliter* (i.e. molli animo) *ferret*, Tusc. II § 49.

frangantur]=frangi se patiantur, 'are broken in spirit:' Tusc. II § 20 *dolore frangebatur.*

atque ea quidem non satis constanter] an ellipse of *faciant.*

§ 72, l. 33. adiumenta rerum gerendarum] 'the (natural) aids and appliances requisite for management of business,' i.e. the necessary physical and mental endowments.

l. 34. adipiscendi] 'are to be sought,' cp. de fin. V § 57 *qui altiore animo sunt, capessunt rempublicam honoribus imperiisque adipiscendis.* For the passive use of adipiscor see to § 27.

P. 28, l. 3. haud scio an] i.e. *fortasse*, 'probably,' its usual meaning in Cic. and the best writers; in later writers it is negative and means 'probably not.'

l. 4. magnificentia] i.q. *magnitudo animi*, cp. § 68, § 78.

l. 6. si quidem] not causal='since' but='if indeed,' III § 53.

nec anxii—et victuri] § 1 *ut neque cessaret umquam et interdum colloquio alterius non egeret*, I § 64, II § 43, III § 58.

cum gravitate—victuri] the preposition cum is generally used with an ablative of manner if unqualified, P. S. Gr. § 151.

§ 73, l. 8. minus multa—quae fortuna feriat]=pauciora, 'not so many points for fortune to smite,' final subj. cp. II § 52 l. 25.

l. 10. tam graviter cadere] i.e. *quam remp. capessentes.* Cp. Minucius Felix Octav. c. 37, 6 *miseri in hoc altius tolluntur, ut decidant altius*, Claudian. in Rufin. I 23 *tolluntur in altum ut lapsu graviore ruant;* Shakespeare, *King Rich. III.* Act IV sc. 4 *one heaved a-high to be hurled down below.*

l. 11. efficiendi] i.e. bene res gerendi. BEIER. Cp. below l. 16, de rep. V § 5 *uterque se a scientiae delectatione ad efficiendi utilitatem refert.*

l. 12. rem publicam gerentibus] participle used substantively, § 145, l. 26 n.

quietis] i.q. otiosis, § 70, l. 8. So *vita privata et quieta* Cat. mai. § 22.

l. 13. vacuitas ab angoribus] Hand Tursell. I p. 39 compares Brut. § 227 *erat ab oratoribus quaedam in foro solitudo.*

l. 16. ut habeat] sc. caveat, 'let him take care to have,' § 141 *caveamus, ut ea quae pertineant ad dignitatem moderata sint.* Kennedy, P. S. Gr. § 202 p. 447, and Gruber make *ut* depend upon *consideret.* Cp. Xenoph. Mem. III 6 and the caution given in Plato Gorg. c. 70 and Alcib. I c. 30 against τὸ ἄττειν πρὸς τὰ πολιτικὰ πρὶν παιδευθῆναι: and ἰδιωτικῶς ἔχοντα ἔρχεσθαι ἐπὶ τὰ τῆς πόλεως ib. c. 32: and c. 34 the advice μανθάνειν, ὅσα μαθήσεως ἔχεται, ἀσκεῖν ὅσα δεῖται ἀσκήσεως καὶ πᾶσαν παρασκευὴν παρασκευασμένον οὕτως ἰέναι ἐπὶ τὰ τῆς πόλεως. Cp. Persius Sat. IV v 1 ff.

l. 19. priusquam adgrediare] gnomic subjunctive. P. S. Gr. p. 343, Madvig Gr. § 370, Munro Lucretius I 327. For the sentiment cp. Xen. Mem. III 6 § 16 ff., Platon. Gorg. c. 70.

CHAPTER XXII

§ 74, l. 23. multi—saepe] § 49 l. 7, II § 20 *saepe multorum*, III § 40 *multae saepe causae.* Cp. Arist. Eq. 411 πολλὰ δὴ 'πὶ πολλοῖς.

l. 24. in magnis animis ingeniisque] i.q. *in hominibus magno animo ingenioque*, 'in men of lofty minds and great natural abilities.' Hence (men being implied) we have *apti etc.*

l. 27. vere autem cet.] [cp. Brut. § 256 *verum quidem si audire volumus.* J. E. B. M.]

extiterunt] 'there have been instances of.'

§ 75, l. 28. quamvis—citetur Salamis cet.] 'however much Salamis, which witnessed his famous victory, is quoted as evidence,—a victory to be thought more of than Solon's design in founding the Areopagus.' Areopagitae, members of the council of Areopagus, which was originally designed to exercise supreme control over the laws and institutions of Athens as well as to have the trial of capital offences. See *Dict. of Antiq.* s. v.

l. 31. quo primum constituit Areopagitas] Solon was not really the original founder of the Areopagus, but he so far modified that body that he is often spoken of as its founder. See Aristot. Polit. II § 2.

P. 29, l. 1. servantur] pro S. Rosc. § 70 *eius civitatis (Atheniensium) sapientissimum Solonem dicunt fuisse, eum qui leges quibus hodie quoque utuntur scripserit.*

l. 2. et Themistocles cet.] 'and, whereas Themistocles could not readily cite any circumstance, in which he himself rendered assistance to the Areopagus, it (the Areopagus) might with justice assert (*dixerit*) that Themistocles had received assistance from itself.' Respecting the use of the coniunctivus potentialis to express what easily can and will happen on a given occasion, see Madvig Gr. § 350 b. Cp. § 154 l. 7 *hoc idem fecerit*.

l. 3. at ille vere] sc. *dixerit Areopagus*.

l. 4. senatus eius] i.e. of the same Areopagus, who in the time of great dearth subscribed to pay the seamen who were going to fight at Salamis. The circumstance is recorded by Plutarch (out of Aristotle) Themist. c. 10 *οὐκ ὄντων δημοσίων χρημάτων τοῖς Ἀθηναίοις—τὴν ἐξ Ἀρείου πάγου βουλὴν πορίσασαν ὀκτὼ δραχμὰς ἑκάστῳ τῶν στρατευομένων αἰτιωτάτην γενέσθαι τοῦ πληρωθῆναι τὰς τριήρεις.*

§ 76, l. 5. Pausania] Pausanias, the Spartan who overthrew Mardonius the Persian at Plataea B.C. 478: see Herod. IX 49—74.

Lysandro] Lysander the Spartan, who took Athens and destroyed the Long Walls, B.C. 404. See Xenophon Hellen. I 5 foll. He is referred to again II § 80 in terms of praise.

l. 7. imperium Lacedaemoniis * * putatur] The common reading is *dilatatum*, but this word is not found in some of the best MSS. The reading of Heusinger, viz. *imperium Lacedaemonis putatur*, Zumpt pronounces to be incorrect, since, he says, *putatur* cannot be used absolutely as *censetur*, in the sense of 'is estimated by.' He adopts the ordinary reading *dilatatum*, which he brackets, however, as suspicious, thinking some such word as partum, constitutum is required.

l. 9. conferendi sunt] Properly not the men themselves but their actions are the subject of comparison: but nothing is of more common occurrence than this metonymy or idiom of comparing the attribute of one thing, not with the attribute of another thing, but with the thing itself, to which that attribute belongs. Cp. I § 96, § 105, § 116, § 125, § 150, II § 6, § 26, § 45, § 60, III § 104, de orat. I § 23 *ut eorum auctoritatem Graecis anteponam*, ibid. § 197 *si cum Lycurgo* (=Lycurgi legibus) *nostras leges conferre volueritis*, de orat. II § 1 *nostrorum hominum prudentiam Graecis* (=Graecorum prudentiae) *anteferre*, Or. § 41 *maiore mihi ingenio videtur esse* (*Isocrates*), *quam ut cum orationibus Lysiae comparetur*, de orat. II § 152 *a quo homine non aberrat oratio tua* (i.e. convenit cum eius placitis), Liv. XLV 23, 9 *segregare civitatis causam a Polyarato et Dinone*, de fin. V § 34, pro Flacco § 63, Hor. Sat. II iv 2 *ponere signa praeceptis, qualia vincunt Pythagoran*, i.e. Pythagorae praecepta. So in Greek, Hom. Odyss. IV 279 *πάντων Ἀργείων φωνὴν ἴσκουσ' ἀλόχοισι* (for *ἀλόχων φωνῇ*), ib. II 121 *τάων οὔ τις ὁμοῖα νοήματα Πηνελοπείῃ ᾔδη*, Il. XVII 51 *κόμαι Χαρίτεσσιν ὁμοῖαι* for *Χαρίτων κομαῖς*; Aristoph. Nub. 30 *ἀτὰρ τί χρέος ἔβα με μετὰ τὸν Πασίαν*; i.q. *μετὰ τὸ τοῦ Πασίου χρέος*, Isocrat. *πρὸς Νικοκλ.* § 31 *τὸ τῆς πόλεως ὅλης ἦθος ὁμοιοῦται τοῖς ἄρχουσιν*, i.q. *τῷ τῶν ἀρχόντων ἤθει.*

parentiores] adjectively 'more obedient:' cp. II § 71 l. 5 *utentior*.

l. 10. pueris nobis] abl. abs.

l. 11. M. Scaurus] M. Aemilius M. f. L. n. Scaurus cons. B.C. 115 (when he passed a sumptuary law Plin. N. H. VIII § 223 *glires quos censoriae leges princepsque M. Scaurus in consulatu non alio modo cenis ademere quam conchylia aut ex alio orbe convectas avis*). He is held up as a model of virtue by Juvenal Sat. XI 91 *cum tremerent—Fabios durumque Catonem et Scauros et Fabricios*, Hor. I Od. 37 *Regulum et Scauros animaeque magnae prodigum Paullum*. He was censor B.C. 109 and princeps senatus. Cicero frequently speaks of him in terms of admiration, pro Mur. § 36 *M. Scaurum, hominem gravissimum, civem egregium, fortissimum senatorem*, pro Font. 24 [=14] *ecquem hominem videmus...parem consilio, gravitate, constantia, ceteris virtutibus, honoris, ingenii, rerum gestarum monumentis M. Aemilio Scauro?*, pro Sest. § 39, Brut. § 111. Sallust, on the other hand, speaks of him, Iugurth. 15 § 4, as *homo nobilis, impiger, factiosus, avidus potentiae honoris divitiarum, ceterum vitia sua callide occultans:* cp. ib. 29 § 2 where he is said to have suffered himself to be bribed by Iugurtha, *magnitudine pecuniae a bono honestoque in pravum abstractus est.* See n. to § 108 l. 7.

l. 12. Q. Catulus] Q. Lutatius Q. f. Q. n. Catulus, the son of the Catulus who conquered the Cimbri, was consul B.C. 78, the year of Sulla's death, along with M. Aemilius Lepidus, whose efforts to abrogate the dictator's acts he strenuously resisted. He opposed the Manilian Law, which conferred extraordinary power on Pompey (pro l. Man. § 51): during the conspiracy of Catiline he supported Cicero, and was the first to hail him pater patriae after its suppression, in Pis. § 6 *me Q. Catulus princeps huius ordinis et auctor publici consilii frequentissimo senatu parentem patriae nominavit.* Cp. pro Sest. § 121, Philipp. II § 12.

l. 14. Africanus] Scipio Africanus the younger, § 87 l. 31.

singularis et vir et imperator] cp. II § 25 *fideliorem et barbarum et* stigmatiam.

l. 15. in exscindenda Numantia] see on II § 63.

l. 16. P. Nasica] Publius Cornelius P. f. P. n. Scipio Nasica Serapio, consul with D. Junius Brutus Callaicus B.C. 138 (Brut. § 85), the leader of the Senate in the murder of Tiberius Gracchus solely from party prejudice, Brut. § 107, 158, 212, de orat. 2 § 285, pro Flacco § 75, Philipp. 8 § 13. He is again spoken of § 109. **privatus**] as opposed to *imperator*, holding no public office but *consularis* in that year, B.C. 133, Cat. I 1, 3.

Ti. Gracchum] Tiberius Gracchus, the son of Sempronius Gracchus by Cornelia daughter of Scipio Africanus the elder, the famous agitator for the agrarian laws. Cicero speaks very differently of the Gracchi, when it suits his purpose, as in de leg. agr. II § 10 *duos clarissimos, ingeniosissimos, amantissimos plebei Romanae viros...quorum consiliis, sapientia, legibus multas esse video reipublicae partes constitutas.*

l. 17. quamquam] adverbial, introduces a remark, limiting or correcting a preceding statement, Madvig Gr. § 443, Roby Gr. II 2215, cp. § 30.

haec res ex domestica est ratione] 'this proceeding (i.e. the murder of Tib. Gracchus) belongs to the category of civil affairs,' cp. I § 9 *in rationem utilitatis cadit*, § 63 *ex media laude sunt iustitiae.*

l. 19. consilio urbano] 'by statesmanlike policy.'

§ 77, l. 20. autem] 'moreover.'

in quod invadi solere ab improbis] impers. 'against which unprincipled men are wont to rail,' such as L. Piso (in Pison. c. 29 f.) and M. Antonius, Philipp. II 8.

l. 22. cedant arma togae] in Pison. § 73 *poetarum more locutus hoc intellegi volui, bellum ac tumultum paci atque otio concessurum.*

concedat laurea laudi] 'let the bay-chaplet (the reward of military distinction) give way before (the statesman's) praise' (*honorifico senatus popu-*

lique Romani iudicio). This verse is taken from the third book of a poem by Cicero *de suis temporibus* B.C. 63 (ed. Orelli fr. poemm. X), quoted again by Cicero in his speech against Piso § 74 *nam cum tu timidus ac tremens tuis ipse furacissimis manibus detractam e cruentis fascibus* lauream *ad portam Esquilinam abiecisti, indicasti non modo amplissimae sed etiam minimae* laudi lauream concessisse, and Philipp. II § 20. The verse was universally condemned for its conceit. Quintilian inst. or. XI 1 § 24 *M. Tullius saepe dicit de oppressa coniuratione Catilinae; sed modo id virtuti senatus, modo providentiae deorum immortalium assignat. Plerumque contra inimicos atque obtrectatores plus vindicat sibi. Erant enim tuenda, cum obiicerentur. In carminibus utinam pepercisset quae non desierunt carpere maligni:*

Cedant arma togae, concedat laurea laudi,

et

O fortunatam natam me consule Romam,

Senec. de brev. vit. 5 § 1 *quotiens illum ipsum consulatum suum non sine causa sed sine fine laudatum detestatur!* and for the bad taste of its assonance ib. IX 4 § 41 quoted by Mayor in his note on Juvenal Sat. X 122 who, after quoting the line, adds

Antoni gladios potuit contemnere, si sic
omnia dixisset.

l. 23. **nobis rem p. gubern.**] 'while I swayed the helm of state,' i.e. in my consulship.

l. 25. **periculum gravius**] because of the number of distinguished men, as C. Antonius, M. Crassus, Julius Caesar, and others, who were implicated in the conspiracy.

l. 26. **maius otium**] 'more profound peace:' otium is opposed to bellum ep. ad fam. V 7, 1, Caec. § 43 *quae vis in* bello *appellatur, ea in* otio *non appellabitur?* Cp. III § 3, or. Catil. III § 17, ep. ad fam. II 17 *si auditum erit* otium *esse in Syria*, ib. XII 1 *ut et urbi et* otio *diffiderem urbano*, Sall. Cat. 10, 2; 11, 5; 36, 4 *domi* otium *atque divitiae.*

l. 28. **ipsa**] 'of themselves,' i.e. without any fighting. On *delapsa ceciderunt* cp. Cat. I § 16 *sica* excidit *aliquo casu et* elapsa *est.*

§ **78**, l. 33. **hoc tribuit, ut diceret**] 'did me the honour to assert.' § 106 *qui aliquid tribuat voluptati*, § 149 *tribuere multum senectuti:* an expression of the same kind as ep. ad fam. VIII 8, 9 *illa Cn. Pompei sunt animadversa—ut diceret.*

P. 30, l. 1. **deportaturum fuisse**] As the infinitive has no conditional force of its own, the imperfect and pluperfect subjunctive in the apodosis to a conditional sentence are in oratio obliqua expressed by the future participle with fuisse. P. S. Gr. p. 486. Translate: 'that his winning a third triumph would have been to no purpose, unless he should have a place to celebrate his triumph in.' Cicero may have occasioned this remark of Pompey's by the language he made use of concerning himself in his speech against Catiline, IV § 21 *nisi forte maius est patefacere nobis provincias, quo exire possimus, quam curare ut etiam illi, qui absunt, habeant, quo victores revertantur.* Cp. Philipp. II § 12 *maxime vero consulatum meum Cn. Pompeius probavit, qui, ut me primum decedens ex Syria vidit, complexus et gratulans* meo beneficio patriam se visurum esse *dixit.* [ep. ad Att. I 19, 7 *itaque primum eum, qui nimium diu de rebus nostris tacuerat, Pompeium adduxi in eam voluntatem, ut in senatu non semel sed saepe multisque verbis huius mihi salutem imperii atque orbis terrarum adiudicarit.* J. E. B. M.] The triumph alluded to was Pompey's third, and was decreed him

in consequence of his successes against the pirates and against Mithridates and Tigranes king of Armenia, B.C. 61. His first was for his victory as propraetor over the Numidians, B.C. 80, his second for that over Sertorius, B.C. 71.

l. 2. **ubi triumpharet**] final subj. with rel. particle, Madvig Gr. § 363.

l. 3. **domesticae fortitudines**] 'instances of civil courage.' Abstract substantives are used in plural when several kinds or occurrences are implied. Draeger *Hist. Syntax* I p. 9 gives a list of these plurals. Cp. *diurni nocturnique metus* § 84, *quietes* § 103, *tarditates et celeritates* § 131, *invidiae* II § 20, *reticentiae* III § 67, *satietates* de amic. § 67, *excellentiae* 'cases of individual superiority' ib. § 69, *conscientiae* paradox. II 12, *felicitates* 'pieces of good luck' Ter. Eun. II 3, 33, *gloriae triumphique* Sallust Cat. c. 41. See P. S. Gr. p. 271 V 2. Examples of the same usage in Greek are not infrequent, as Arist. eth. Nic. I 7 φόβοι καὶ θάρρη, i.e. 'cases of fear and boldness,' Dem. de Chers. § 70 τοιαύτας ἄλλας φιλανθρωπίας, i.e. *humanitatis officia.*

CHAPTER XXIII

§ **79**, l. 6. **omnino**] 'most certainly,' like a stronger quidem, introduces the antithesis *exercendum tamen:* cp. I § 66 l. 26, § 83 l. 6, § 87 l. 30, de am. § 69, § 98 *omnino est amans sui virtus: ego autem etc.* 'Hanc affirmationis vim' says Hand Tursell. IV p. 378 'obtinet particula maxime ab initio sententiarum posita, quae aliquam definitionem continent.'

ex animo excelso] 'in a lofty spirit,' Nägelsb. lat. Stilist. p. 346, who compares § 51 *una ex re satis praecipit.*

l. 9. **ita afficiendum**] 'must be so disposed.' *Afficere*=Gr. διατιθέναι, cp. div. I § 62 *iubet Plato sic ad somnum proficisci corporibus* affectis, *ut nihil sit, quod errorem animis perturbationemque afferat.*

l. 13. **in quo**] 'in which respect,' Hand Turs. III p. 269, I § 35.

togati] 'in a civil capacity,' 'as statesmen:' the *toga* being the dress of peace, § 77 l. 22. So Vergil Aen. I 282 calls the Romans *gentem togatam.*

l. 16. **M. Catonis**] sc. *consilio.* This was M. Porcius Cato Censorius, author of the *Origines*, born B.C. 234, consul B.C. 196, censor B.C. 184. He was one of the chief instigators of the third Punic war, in opposition to Nasica and others. Each time of giving his vote in the Senate, no matter what was the subject of debate (*loco sententiae*, Tacitus Ann. II 37), his words were 'delenda est Carthago.' Its destruction, however, was not effected till about three years after his death, B.C. 149. Hence Cicero says *etiam mortui valuit auctoritas.* Livy gives an excellent portrait of his character XXXIX 40, cp. Velleius Paterc. I 13, 2, Cic. Brut. 15, Cato § 18, Tusc. III § 51, de rep. II § 1. He is referred to below § 104 and above § 36 and II § 89.

§ **80**, l. 18. **decernendi...decertandi**] The Latins as well as the Greeks were fond of the figure *paronomasia* or *annominatio* (de orat. II § 256): so Tusc. III § 64 *pueros magistri castigare solent non verbis solum sed etiam verberibus*, ib. V § 118 *ne sobrius in violentiam vinolentorum incidat*, Ovid epist. IX 31 *non honor est sed onus*, Liv. XXII 30 *plebiscitum quo oneratus magis quam honoratus sum*, XXXIX 49 *ut non pro vano modo sed vix pro sano nuntius audiretur*, Terence Andr. I 3, 13 *inceptio est amentium haud amantium*, Haut. II 3, 115.

l. 19. **id—faciamus**] i.e. *decernamus*, § 4 l. 18.

bellandi fuga] cp. § 83 *periculi fuga.* **utilitatis**] sc. publicae, § 13.

l. 21. **fortis vero animi est**] cp. pro Arch. XI § 29 animus *nec tantis*

se laboribus frangeret neque tot curis vigiliisque angeretur, nec totiens de ipsa vita dimicaret: where Mr Reid observes, 'the formal nom. to the verb is *animus*, the real nom. the man whose *animus* is in question,' de off. I § 13 where *animus bene informatus* = qui habet animum bene informatum, cp. § 74.

l. 23. tumultuantem] 'agitated,' 'ruffled,' i.q. *trepidantem*. 'Tumultuari eum dicimus' says Zumpt 'qui ob imminens periculum clamat, deorum hominumque auxilium implorat.' Cicer. de leg. agr. II 37 *non ego is sum, qui saepe et sine causa tumultuer*. **de gradu deici**] *gradus* is the posture of a man with his legs apart: hence *de gradu deici* means 'to be thrown from such a position,' 'to be thrown off one's guard,' said of gladiators, metaph. 'to lose one's head:' see n. to § 67 l. 15, Tusc. II § 58 *de dignitatis gradu demoveri*, pro Caecina § 42 *ea vis quae formidine animum perterritum loco et certo de statu demovet*, ep. ad Att. XVI 15, 3 *mihi videtur...deiectus de* gradu. **ut dicitur**] 'as the proverb is.'

l. 24. praesenti animo uti] 'to have presence of mind.' So *adesse animo*, 'to be self-possessed.'

§ 81, l. 25. quamquam] adverbial, 'though indeed,' § 30 l. 15, § 76 l. 17.

hoc animi] 'this (*non perturbari cet.*) is the province of a great spirit, as what follows is that of great natural ability, viz. to anticipate future events, and determine some time beforehand, what may happen both ways (either for good or for bad), and what measures must be adopted under what circumstances; and never to be brought to such a shift as to have at some time to say, 'it had never occurred to me.' *Committere ut*, followed by the subjunctive, 'to act so that,' 'to put oneself in the position of,' § 83, P. S. Gr. p. 443. Cf. Valer. Max. VII 2, 2 *Scipio Africanus turpe esse aiebat in re militari dicere 'non putaram,'* Cic. pro Ligar. § 30 *errabat, lapsus est, non putavit*, ad Att. VI 1, Seneca de ira II 31, 4 *turpissimam aiebat Fabius imperatori excusationem esse:* non putavi.

l. 27. aliquanto ante] § 108 l. 19.

l. 28. quid agendum sit, cum quid evenerit] cp. II § 67 *videmus quibus extinctis oratoribus quam in paucis spes, quam in multis audacia*.

l. 31. temere—manu cum hoste confligere] 'to mix in personal combat without due cause is but a savage and brutish kind of business: but when the exigency of the occasion makes it incumbent, we are then to engage in action and to prefer death to a dishonourable captivity.' On the other hand Grotius says *de iure belli* II c. xxiv, vi, 2 'Right reason dictates another course, namely, that life, which is the foundation of all temporal and the occasion of eternal good, is of more value than liberty.'

l. 33. tempus necessitasque] i. q. tempora necessaria; the predicate is in the singular because the subjects are considered collectively as a whole and form but one notion, cp. III § 46 l. 8, Madvig Gr. § 213, P. S. Gr. p. 363, Roby Gr. II 1438.

CHAPTER XXIV

§ 82, l. 35. de evertendis urbibus] § 47 l. 20. Grotius l.c. has a chapter on this subject (III 5), in which he discusses what exceptions are to be made from the general pillage.

l. 36. ne quid temere] sc. fiat. So *ne quid nimis* Terent. Andr. I 1, 34, see n. to § 33, II § 36.

P. 31, l. 1. rebus agitatis] not as Allen, Heusinger and others think,

=rebus perpensis, 'after having weighed and considered all circumstances,' but=rebus turbulentis, 'when matters are unsettled,' 'in times of disorder,' the opposite state to *in tranquillo* § 83. Comp. pro Qu. § 10 *multis iniuriis iactatam atque agitatam aequitatem*, Sall. Cat. 38, 3, Iug. 37, 1, *remp. agitare*. On the question of accessories see Grotius, III 21.

punire sontes cet.] 'to single out the guilty for punishment, to spare the many.'

l. 2. recta atque honesta retinere] cp. III § 105 *retinendi officii causa*.

l. 3. supra dixi] § 74.

l. 4. reperias] § III l. 18, Madvig Gr. § 370, Zumpt Gr. § 527.

l. 5. calida consilia] 'hot-headed, hasty designs,' as opposed to 'calm and well-considered measures,' *quieta et cogitata*. So Liv. XXII 24 *agitabantur pro ingenio ducis consilia* calidiora, XXXV 32 *consilia* calida *et audacia*, Cic. ep. ad Att. XV 6 *ne quod* calidius *ineant consilium*. Cp. Aristoph. Plut. 415 θερμὸν ἔργον κἀνόσιον καὶ παράνομον.

§ 83, l. 6. omnino] 'of course,' 'most certainly,' qualified by the following *sed*, as § 79 l. 6.

l. 7. periculi fuga] § 80 l. 19.

committendum est] § 81 l. 25. **videamur**] 'be seen,' § 85 l. 19.

l. 9. quo]=qua re.

l. 10. imitanda est] Hor. Sat. I 10, 17 *hoc stabant, hoc sunt imitandi*, Ovid Met. IX 481 *nec abest imitata voluptas*. See n. to § 27 l. 16 for a list of perfect participles of deponent verbs used passively.

l. 13. in tranquillo] sc. *mari*, 'in a calm.'

l. 14. subvenire] 'to withstand.' The proper meaning of the word is 'to come up to' for the purpose of rendering assistance, and so of promoting what is good, obviating what is bad. Thus we can say both subvenire *alicui in aliqua re* and subvenire *saluti* or subvenire *morbo*. Cp. II § 56 *necessitati* subveniatur.

quavis ratione] 'by all the means he can employ.'

l. 15. si plus] 'if you get more benefit by bringing the matter to a clear issue than harm by failure.' Garve and Beier explain the passage differently, 'especially when the advantages which are to be expected in case of success are much greater than the evils to which one is exposed during the conflict.' *Explicare* signifies 'to unfold,' 'disentangle,' 'to clear from difficulty;' cp. de imp. Pomp. § 30 *Sicilia quam multis undique cinctam periculis—explicavit*: *addubitare*, properly 'to incline to doubt' (III § 18), here=in discrimen vocare. Z. says that it appears to have been first a term of augury and quotes de div. I § 105 *tibi App. Claudius augur consuli nunciavit, addubitato salutis augurio, bellum domesticum triste ac turbulentum fore*, where *addubitato*=in dubitationem vocato.

l. 16. periculosae autem cet.] 'the danger attending great undertakings falls sometimes upon the persons that undertake them, sometimes upon the state; and, again, some run the risk of losing their lives, others their reputation and the goodwill of their fellow-citizens. It is our duty then (i.e. when the danger concerns the state) to be more forward to expose our own persons than the general interests to danger, and (i.e. when the person himself only is concerned) to fight for honour and glory more readily than for any other advantages (i.e. for any mercenary consideration).'

§ 84, l. 22. qui—parati essent] consecutive subj., Madvig Gr. § 364.

l. 24. idem] 'yet at the same time (§ 63) did not choose to make even the smallest sacrifice of (personal) glory, even though the exigencies of the state demanded it.' Iacturam facere, lit. 'to throw part of a cargo overboard' in a storm to lighten the ship and save the rest, III § 89.

l. 25. ut] 'as for instance,' § 37. **Callicratidas]** § 109 l. 26.

l. 26. fuisset] One would have expected *esset*, but comp. § 116 *non inferior fuisset*.

l. 27. vertit ad extremum omnia] 'at last upset or reversed everything,' or. pro Sext. Rosc. § 61 *quoniam vides versa esse omnia*, § 103 *videte quam versa et mutata in peiorem partem sint omnia*, Ovid Metam. XII 139 *Cycnum vi multa* vertit, Hor. Od. III 25, 16 *proceras manibus* vertere *fraxinos*, Lucan III 650 *congesto pondere puppis* versa. So vertere *cadum*, Plaut. Stich. V 4, 39, Hor. Od. III 29, 2 *non ante* verso *cado*.

l. 28. Arginusis] a cluster of small islands off the coast of Asia Minor not far from Lesbos, where the Athenians under Thrasybulus gained a signal victory over the Lacedaemonians under Callicratidas B.C. 406: Xenoph. Hell. I c. 6. The name was occasioned by the white appearance of the islands, in consequence of the chalky nature of their soil. Ἀργινόεις, *candidus*, pl. fem. ἀργινόεσσαι, contr. ἀργινοῦσσαι, to agree with νῆσοι, as *Oenussae* from οἰνόεσσαι, *Ophiussae* and *Pityussae* from ὀφιόεσσαι and πιτυόεσσαι respectively.

l. 29. respondit] His answer as given by Xenophon is not so forcible, Hellen. I 6, 32, Καλλικρατίδας δὲ εἶπεν, ὅτι ἡ Σπάρτη οὐδὲν μὴ κάκιον οἰκιεῖται αὐτοῦ ἀποθανόντος, φεύγειν δὲ αἰσχρὸν ἔφη εἶναι.

l. 32. qua] 'owing to which.'

Cleombrotus] who commanded the Lacedaemonian forces at the battle of Leuctra, B.C. 371. He was suspected of being too friendly to the cause of the Thebans, and in order to obviate this suspicion, engaged with them rashly, Xenoph. l. c. VI 4 § 4, Agesil. c. 2, 24, Diodor. XV 62—67.

l. 34. Q. Maximus] Q. Fabius Maximus Verrucosus Ovicula, consul for the fifth time B.C. 209, surnamed Cunctator, because he refused to engage in action with Hannibal but endeavoured to weary him out by delays. He is again referred to § 108.

melius] sc. *fecit*, P. S. Gr. p. 346.

P. 32, l. 1. Ennius] the oldest Roman poet after Livius Andronicus and Naevius; he was a native of Rudii, a town of Calabria (Tusc. Disp. I 1) born B.C. 238. His Annales in XII books, an historical poem, is lost: the line quoted is taken probably from the IXth Book. Cicero quotes from this work § 38, Brut. § 88, de rep. § 11, de div. 2 § 116, orat. § 93, de inv. I § 27, de fin. II § 106, and from his tragedies in various passages.

l. 2. unus homo] Vergil has borrowed the first of these lines and applied it to Fabius, Aen. VI 846

unus qui nobis cunctando restituit rem.

They are quoted again by Cicero de sen. § 10.

restituit rem] i.e. rem publicam; this he did after the reverses sustained at Trebia, Placentia and the Thrasymene lake.

l. 3. noenum] See crit. note. Heine retains *non enim* as a dactyl.

rumores] So Liv. XLIV 22 *firmi et constantis animi contra adversum rumorem Fabius fuit, qui suum imperium minui per vanitatem populi maluit, quam secunda fama male rem publicam gerere.*

l. 4. postque magisque viri nunc gloria claret] as it is (*nunc*), his glory shines the more the later.

l. 5. quod genus peccandi] sc. cum gloriae cupiditate ducti reipublicae utilitatem neglegimus. **urbanis]** 'civil,' 'political,' § 74.

l. 7. non audent] Cicero appears to have had certain characters in his mind's eye: hence the indicative. 'After such expressions as sunt qui, the indicative is unusual (except in the earlier writers and poets), unless an adjective of number or definition be added, such as multi sunt qui.' Roby Gr. II 1681: cp. de off. III § 74 l. 27, I § 43 l. 17, § 31 l. 24, P. S. Gr. p. 457.

CHAPTER XXV

§ 85, l. 8. omnino] § 79 l. 6 n.

l. 9. unum] Plato de re publ. I p. 342 E οὐδεὶς ἐν οὐδεμιᾷ ἀρχῇ, καθ' ὅσον ἄρχων ἐστί, τὸ αὑτῷ ξυμφέρον σκοπεῖ οὐδ' ἐπιτάττει, ἀλλὰ τὸ τῷ ἀρχομένῳ καὶ ᾧ ἂν αὐτὸς δημιουργῇ, καὶ πρὸς ἐκεῖνο βλέπων καὶ τὸ ἐκείνῳ ξυμφέρον καὶ πρέπον καὶ λέγει ἃ λέγει καὶ ποιεῖ ἃ ποιεῖ ἅπαντα.

ut—sic tueantur ut—referant] the first subj. is one of oblique petition, dependent on praeceptum understood in *unum*; the second is consecutive, as § 86 l. 25.

l. 12. alterum] ib. IV p. 420 B οὐ μὴν πρὸς τοῦτο βλέποντες τὴν πόλιν οἰκίζομεν, ὅπως ἕν τι ἡμῖν ἔθνος ἔσται διαφερόντως εὔδαιμον, ἀλλ' ὅπως ὅ τι μάλιστα ὅλη ἡ πόλις.

l. 14. tutela] 'the charge of a minor,' 'wardship.'

l. 15. ad utilitatem] 'in accordance with' or 'in reference to,' cp. § 1 l. 6.

l. 16. parti consulunt] II § 72 l. 20 n.

l. 19. studiosi optimi cuiusque] 'partisans of the aristocracy' (optimates), § 99 l. 4. To these are opposed populares, 'favourers of the people,' 'democrats;' see pro Sest. § 96 *duo genera semper in hac civitate fuerunt eorum, qui versari in rep.—studuerunt; quibus ex generibus alteri se populares, alteri optimates et haberi et esse voluerunt.* So in Greek the 'high-born' classes are called οἱ ἀγαθοί, ἐσθλοί, βέλτιστοι, and 'the commons,' οἱ κακοί, δειλοί. See Welcker to Theognis, p. xxii.

videantur] § 83 l. 7.

§ 86, l. 20. hinc] sc. extiterunt.

Atheniensis] See the history of Athens, after Pericles' death, during the latter part of the Peloponnesian war and also after the war.

l. 21. seditiones] as in the case of the two Gracchi, B.C. 132 and 122.

l. 22. bella civilia] such as the wars between Marius and Sulla, Caesar and Pompey; also the civil wars after Caesar's death, between Brutus and Cassius on one side, and Antony and Octavianus on the other.

l. 24. aut] used because a negative precedes.

l. 25. totamque eam—tuebitur] sc. *remp.* On *que* after a negative clause see I § 22.

l. 28. ut, dum ea conservet cet.] 'so as to submit to any loss however

heavy, provided he keeps them' sc. *iustitiam honestatemque*. *Quamvis graviter*, i.q. vel gravissime, properly, tam graviter quam vis, 'as heavily as you please.' Cp. § 145, II § 69, *quamvis saepe* 'as often as you please' de orat. III § 6, *quamvis copiose haec diceremus* (=vel copiosissime) Tusc. I § 47, ib. III 73, IV § 57, *quamvis sordida res et invenusta est* Catull. XII 5. For the sense of *graviter* cp. § 73, and that of *offendere*, § 71.

§ 87, l. 30. ambitio honorumque contentio] 'canvassing and struggle for preferment.' Cp. III § 86 *laudis* certamen, Brut. § 273 *graves eius contiones aliquot fuerunt, acres accusationes tres eaeque omnes ex reipublicae* contentione *susceptae*, Madvig Gr. § 283, obs. 3. Otherwise pro Mur. § 11 where contentione dignitatis = 'in contrasting his claims to the consulship with those of his rivals.'

l. 31. apud eundem est Platonem] i.e. scriptum est, cp. I § 28, § 64, § 118, II § 40 l. 4. The passage is de rep. VI p. 488 B *τοὺς δὲ ναύτας στασιάζοντας πρὸς ἀλλήλους περὶ τῆς κυβερνήσεως, ἕκαστον οἰόμενον δεῖν κυβερνᾶν, μήτε μαθόντα πώποτε τὴν τέχνην, μήτε ἔχοντα ἀποδεῖξαι διδάσκαλον* cet., p. 489 C *τοὺς νῦν πολιτικοὺς ἄρχοντας ἀπεικάζων οἷς ἄρτι ἐλέγομεν ναύταις οὐχ ἁμαρτήσει.*

l. 32. contenderent] see to § 90, l. 3, II § 1, § 56, III § 13.

similiter—ut si] i.q. ac si, cp. Tusc. IV § 41 *similiter facit ut si putet*, § 42 l. 15 *in eadem sunt iniustitia ut si.*

P. 33, l. 1. idemque praecipit] videtur respici *Rep.* VIII p. 567 C, ubi dicitur si qui tyrannidem affectet, huic eos omnes qui suo iudicio tueri remp. velint e medio tollendos esse *ἕως ἂν ἐχθρῶν λίπῃ μηδένα* et *de legg.* IX p. 856 B ubi qui reip. hostis iudicandus sit declaratur. BEIER

l. 3. P. Africanum] that is, P. Corn. Scipio Aemilianus Africanus minor, whom Cicero always means, where he adds no further definition.

l. 4. Q. Metellum] Quintus Caecilius Metellus, surnamed Macedonicus from his conquest of Macedonia, consul B.C. 143, III § 79. He and P. Africanus Scipio the younger were always political rivals but never so as to become inveterate enemies, de am. § 77 *propter dissensionem, quae erat in rep., alienatus est* (Scipio) *a collega nostro Metello*, de rep. I § 31, Valer. Max. IV 1, 12, Vell. Paterc. I, 11.

§ 88, l. 5. inimicis] i.e. 'our enemies' in political life: for we must remember that Cicero is now speaking of what becomes a statesman.

l. 7. censebunt] § 149, l. 34.

l. 10. in iuris aequabilitate] = in iure aequabili (II § 42 l. 20), 'in the case of all exercising equal rights.'

l. 11. altitudo animi] Heusinger and Orelli understand 'loftiness of soul' which considers itself raised above all wrongs and resentments. But Zumpt remarks, and I think correctly, that the addition of *quae dicitur* indicates that we must look for some unusual meaning of the words: accordingly he considers that they must be taken in the sense of 'depth of temper,' '*sang froid*,' 'the art of concealing one's feelings at will,' which Cicero elsewhere calls *βαθύτης*, ep. ad Att. V 10, 3 *etsi haec ipsa fero equidem fronte, ut puto et volo, bellissime: sed angor intimis sensibus. Itaque admirabere meam βαθύτητα, cum salvi redierimus*, ad Attic. IV 6, 5 *sed mehercule incipiendo refugi: ne, qui videar stulte illius intemperiem non tulisse, rursus stulte iniuriam illius faciam illustrem, si quid scripsero; et simul ne βαθύτης mea, quae in agendo apparuit, in scribendo sit occultatior*, ib. VI 1, 2. It occurs in this sense in the orat. part. § 77 where *altitudo animi in capiendis incommodis et maxime iniuriis* is said to

be a part of *magnitudo animi:* cp. Sallust Iug. 95, 3 *ad simulanda negotia altitudo ingeni incredibilis*, Tac. Ann. III 44 *neque loco neque vultu mutato per illos dies egit, altitudine animi, an compererat modica esse*, Liv. XXI 2 *alta indoles.*

intempestive accedentibus] 'those who intrude upon us at unseasonable times.'

l. 13. ita...ut] in sentences restrictive of a preceding statement 'only so far as,' 'with the exception,' 'understanding that;' P. S. Gr. p. 453 5, Roby Gr. II 1704, Zumpt Gr. § 726. Cp. ita—si, § 28, II § 33.

l. 15. severitas] 'sternness,' 'strictness,' cp. pro Sulla § 8 *istam ipsam personam vehementem et acrem, quam mihi tum tempus et resp. imposuit, iam voluntas et natura ipsa detraxit! illa enim ad breve tempus severitatem postulavit, haec in omni vita misericordiam lenitatemque desiderat*, Cat. IV § 11, pro Mur. § 6 *illam gravitatis severitatisque personam non adpetivi sed ab rep. mihi impositam sustinui.*

l. 16. animadversio cet.] 'every kind of punishment and correction ought to be free from an insulting tone.' *Castigatio*, as it corresponds to *verbis castigat* immediately following, probably means 'verbal reproof,' 'reprimand,' though it is applied also to corporal punishment, as Tusc. III § 64 quoted above § 80 l. 18. Cp. § 137 l. 23 *ut severitas adhibeatur et contumelia repellatur.*

l. 17. punitur] i.q. punit. The deponent form is less common than the active, it occurs pro Mil. § 33 *quid? tu me iratum, Sexte, putas tibi, cuius tu inimicissimum multo crudelius etiam punitus es quam erat humanitatis meae postulare*, Tusc. I § 107 *multi inimicos etiam mortuos poeniuntur*, Phil. VIII § 7 *ut poeniretur necem*, Inv. II § 80 *peccatum quod sponte sua reus poenitus sit.* See n. to § 27, l. 20, Zumpt Gr. § 206. Zumpt after Bake remarks on this passage 'Zeugma figuram, si accuratius cogitaris, invenies. Neque enim de utilitate punientis sermo est, sed de eius animi explendi cupiditate. Utilitatis igitur verbum ad remp. pertinet proprie.'

§ 89, l. 20. plectantur] *plector* is properly used of 'corporal punishment.' Thus Hor. Sat. II 7, 105 *tergo plector.*

ne appellentur quidem] 'should not so much as be spoken to.' Cp. pro leg. Man. § 11 *legati vestri, quod erant appellati superbius*, Verr. III 134 *ne verbo quidem graviore appellare*, de leg. agr. II § 62 *homines appellare asperius.*

l. 21. ira in puniendo] [cp. Senec. de ira I 6, 5. J. E. B. M.]

l. 22. ad poenam] sc. sumendam.

mediocritatem illam] 'that mean (*μεσότητα*) which lies between excess and defect.' Hor. Od. II 10, 5 *auream* mediocritatem, Arist. Polit. IV 9 *ὁ μέσος βίος βέλτιστος.* For what follows cp. Tusc. IV § 43 *quid quod idem Peripatetici perturbationes istas, quas nos extirpandas putemus, non modo naturales esse dicunt, sed etiam utiliter a natura datas?* Arist. eth. Nic. IV 5 *ὁ μὲν οὖν ἐφ' οἷς δεῖ καὶ οἷς δεῖ ὀργιζόμενος, ἔτι δὲ καὶ ὡς δεῖ, καὶ ὅτε, καὶ ὅσον χρόνον, ἐπαινεῖται.*

l. 24. modo ne laudarent] 'if only they did not speak in praise of.' Madvig Gr. § 351 *obs.* 2. For the tense cp. § 87, l. 27 n.

l. 26. legum similes] Cp. for a similar sentiment Aristot. Pol. III c. 16 (c. 11, 4 ed. Stahr) *ὁ μὲν οὖν τὸν νόμον κελεύων ἄρχειν δοκεῖ κελεύειν ἄρχειν τὸν θεὸν καὶ τὸν νοῦν μόνους* (al. *καὶ τοὺς νόμους*)· *ὁ δ' ἄνθρωπον κελεύων προστίθησι καὶ θηρίον—διόπερ ἄνευ ὀρέξεως νοῦς ὁ νόμος ἐστίν.*

CHAPTER XXVI.

l. 29. in rebus—ad voluntatem nostram fluentibus] *ad*=secundum, 'according to,' 'after:' cp. Quintilian declam. 3, 12 *ad omne votum fluente fortuna lascivit otium*, Caesar B. G. 1, 31 *si qua res non ad nutum aut ad voluntatem eius facta sit*.

§ 90, l. 33. idem semper vultus] vultus ('the expression') index est voluntatis animi, frons hilaritatis vel tristitiae. H.

l. 34. de Socrate] Tusc. III § 31 *hic est ille* vultus semper idem, *quem dicitur Xanthippe praedicare solita in viro suo fuisse Socrate*, eodem vultu semper *se vidisse exeuntem illum domo, et revertentem. Nec vero ea* frons *erat, quae M. Crassi illius veteris, quem semel ait in omni vita risisse Lucilius; sed tranquilla et serena;* Aelian v. hist. IX 7 ἔλεγεν ἡ Ξανθίππη, ὡς μυρίων μεταβολῶν τὴν πόλιν κατασχουσῶν, ἐν πάσαις ὅμοιον ἦν τὸ Σωκράτους πρόσωπον καὶ προϊόντος ἐκ τῆς οἰκίας καὶ ἐπανιόντος ἀεὶ θεᾶσθαι; Aul. Gell. noct. att. II 1.

l. 35. C. Laelio] § 108 *in C. Laelio multa hilaritas*, Horat. II Sat. I 72 *mitis sapientia Laeli*. The person meant is Gaius Laelius the younger, the distinguished statesman, soldier and man of letters, who was born about B.C. 186, consul B.C. 140 with Q. Servilius Caepio (de am. § 96), and whose intimate friendship with Scipio Africanus the younger (de am. I § 4, de rep. I § 18, de off. I § 108, de or. II § 22) is constantly spoken of by Cicero as an example of what friendship should be. He distinguished himself against Viriathus in Spain B.C. 145 (II § 40), but he was more of a statesman than a soldier and more of a philosopher than a statesman. He imbibed the doctrines of the Stoic school from Diogenes Babylonius and Panaetius, and was a friend of Polybius and Terence, whose plays were by some ascribed to him. As tribune, he endeavoured (according to Plutarch Tib. Gracch. c. 8) to procure a redivision of the public land, but desisted from the attempt, and for his forbearance was designated Sapiens (II § 40), III § 16, Tusc. 4 § 5, Brut. § 213, § 84. He afterwards became a staunch supporter of the *optimates*. The treatise *de amicitia* is called *Laelius* after him (II § 31) because he is the chief interlocutor in the dialogue. He is also one of the speakers in the *de senectute* and in the *de republica*. His grandfather was a contemporary of the elder Scipio Africanus, and consul with his brother Scipio Asiaticus B.C. 190.

Philippum] Philip of Macedon, who began to reign B.C. 361, and B.C. 338, two years before his death, by his victory at Chaeronea reduced Greece to subjection.

P. 34, l. 1. facilitate] 'accommodation to circumstances.'

video] i.q. constat, lego apud scriptores. So § 3 *quod nemini Graecorum video contigisse*, Tusc. IV § 50 *de L. Bruto fortasse dubitarim —video enim utrumque comminus ictu cecidisse contrario*, ib. III § 5 *quibus adulescentibus Diogenem—et Carneadem video ad senatum missos esse legatos*, ib. § 79 *ut Alexandrum videmus qui vix a se manus abstinuit*.

superiorem fuisse] Justin IX 8 *huic* (Philippo) *Alexander filius successit, et virtute et vitiis patre maior...iram pater dissimulare, plerumque etiam vincere: huic, ubi exarsisset, nec dilatio ultionis nec modus erat*, and *amari pater malle, hic metui*. On Alexander's faults see Liv. IX 18.

l. 3. ut videantur] consecutive subj. 'so that they seem.'

l. 4. Panaetius] a celebrated Stoic philosopher, born at Rhodes about 180 B.C., studied under the grammarian Crates at Pergamum, and afterwards at Athens under the stoic Diogenes of Babylon, and Polemo, and his pupil Antipater of Tarsus. At Rome he became acquainted with Laelius and Scipio Africanus the younger, and, like Polybius before him, gained his friendship (de fin. IV § 23 *homo in primis ingenuus et gravis, dignus illa familiaritate Scipionis et Laelii, Panaetius, cum ad Q. Tuberonem de dolore patiendo scriberet, quod esse caput debebat, si probari posset, nusquam posuit, non esse malum dolorem, sed quid esset et quale, quantumque in eo esset alieni, deinde quae ratio esset perferendi; cuius quidem, quoniam Stoicus fuit, sententia condemnata mihi videtur esse inanitas ista verborum*, de rep. I § 34 *memineram persaepe te* (Scipionem Africanum minorem) *cum Panaetio disserere solitum coram Polybio, duobus Graecis peritissimis rerum civilium*, pro Muren. § 66 *habuit eruditissimum hominem Panaetium domi P. Scipio Africanus*) and accompanied him on an embassy to the kings of Egypt and Asia in alliance with Rome (*P. Africani historiae loquuntur in legatione illa nobili, quam ante censuram obiit, Panaetium unum omnino comitem fuisse* Acad. II § 5). He died at Athens, where he succeeded Antipater as head of the Stoic school, before B.C. 111, in which year L. Crassus found there '*auditor Panaetii Mnesarchus*,' not Panaetius himself (de orat. I § 45, de div. I § 6 *Panaetius vel princeps disciplinae Stoicae, Posidonii doctor, discipulus Antipatri*).

The principal work of Panaetius was his treatise on the theory of moral obligation (περὶ τοῦ καθήκοντος) in three books, composed thirty years before his death (de off. III § 8). In this he proposed to investigate firstly what was moral (*honestum*) or immoral (*turpe*), then what was expedient (*utile*), or not expedient (*inutile*), and lastly how the apparent conflict between the honestum and utile was to be decided. The third subject of enquiry he had not completed, and it was left to Cicero, who in the first two books borrowed from Panaetius without any essential alteration, to deal with it independently and without assistance (de off. III c. II § 7 ff., ad Att. XVI 11, 4 τὰ περὶ τοῦ καθήκοντος, *quatenus Panaetius, absolvi duobus: tres sunt illius, sed cum initio divisisset ita, tria genera exquirendi officii esse—de duobus primis praeclare disseruit, de tertio pollicetur se deinceps, sed nihil scripsit*. Cicero was induced to follow Panaetius not merely because of the superiority of his work in other respects, but because he endeavoured to exhibit the philosophy of morals in its practical application to life, laying aside abstract investigations and paradoxical definitions (de off. II § 35), and modifying the severity which characterised the older school of Stoics (de fin. IV § 79 *quam illorum* (Stoicorum) *tristitiam atque asperitatem fugiens Panaetius nec acerbitatem sententiarum nec disserendi spinas probavit fuitque in altero genere mitior, in altero illustrior, semperque habuit in ore Platonem, Aristotelem, Xenocratem, Theophrastum, Dicaearchum, ut ipsius scripta declarant:* de leg. III § 14 A. *ain tandem? etiam a Stoicis ista tractata sunt* (sc. de magistratibus)? M. *non sane nisi a Dione Stoico, et postea a magno homine et in primis erudito, Panaetio: nam veteres verbo tenus, acute illi quidem, sed non ad hunc usum popularem atque civilem de rep. disserebant*. See Introd. § 26.

l. 5. auditorem]=*discipulum*, 'his hearer or pupil.' Cp. Juv. Sat. I 1, *semper ego auditor tantum?* with Mayor's note. It must be remembered that literary men in those days had no means of making their writings known except by oral recitation.

l. 6. contentiones proeliorum]=pugnas equestres, in quibus equos bene alitos cursu et impetu uti volumus. Z.

l. 7. ferocitate] 'mettle.' **soleant**] subj. because dep. on infin. clause.

l. 9. **sibique praefidentis**] 'and over self-confident.' *Prae* properly 'in advance of,' hence with compounds 'in advance of what is proper,' 'beyond bounds,' 'very.' **tamquam in gyrum**] 'in the manége, so to speak, of reason and learning.' Gyrus (γῦρος) is properly the ring (*volte*) in which horses are made to step in training. So Vergil Georg. III 115 *frena Pelethronii Lapithae gyrosque dedere* and 191 (of a young colt being broken in) *carpere mox gyrum* ('to pace the ring') *incipiat gradibusque sonare | compositis sinuetque alterna volumina crurum*, Tacit. Germ. c. VI *nec* (*equi*) *variare gyros in morem nostrum docentur*, Ovid A. A. III 384 *in gyros ire coactus equus*, Tibull. IV 1, 94 *seu libeat curvo brevius compellere* (sc. equum) *gyro*.

l. 10. **perspicerent**] On the tense cp. § 87 l. 32 *contenderent*, II § 1 l. 1 *ducerentur*, II § 56 *cogerentur*, III § 13 *essent*, Madvig Gr. § 383, P. S. Gr. p. 483 'It is the prevailing idiom of Cicero to construct the present Past with historic consecution.'

§ **91**, l. 11. **in secundissimis rebus maxime**] i. q. *quo secundiores res erunt, eo magis*.

l. 15. **adulari**] probably passive, see on § 88, l. 17. The active form *adulare* is found in a translation from Aeschylus, Tusc. II. § 24, also in Lucretius 1070 *longe alio pacto gannitu vocis adulant*. Heine after Heusinger takes *adulari* to be the active, *assentatores* being implied as the subject, comparing II § 13 l. 11, ad fam. I 7, 8 *quod eo liberius ad te scribo, quia nascenti prope nostrae laudi favisti, simulque quod video non novitati esse invisum meae*, de div. II § 42 *nonne perspicuum est ex prima admiratione hominum, quod tonitrua extimuissent, credidisse*.

l. 16. **in quo**] 'wherein,' § 79 l. 13.

talis—ut iure laudemur] 'such as to be entitled to praise.' Subjunctive after ut in an adjectival consecutive clause; P. S. Gr. p. 452, Madvig § 355, Roby Gr. II 1696; cp. I § 26 l. 8, § 144 l. 3.

l. 17. **ex quo nascuntur**] cp. Plat. de leg. V p. 731 E *τοῦτο δ' ἔστιν ὃ λέγουσιν, ὡς φίλος αὑτῷ πᾶς ἄνθρωπος φύσει τε ἐστὶ καὶ ὀρθῶς ἔχει τὸ δεῖν εἶναι τοιοῦτον. τὸ δὲ ἀληθείᾳ γε πάντων ἁμαρτημάτων διὰ τὴν σφόδρα ἑαυτοῦ φιλίαν αἴτιον ἑκάστῳ γίγνεται ἑκάστοτε· τυφλοῦται γὰρ περὶ τὸ φιλούμενον ὁ φιλῶν.*

l. 18. **opinionibus**] 'conceits,' 'false opinions of themselves.'

§ **92**, l. 19. **sed haec quidem hactenus**] elliptically, 'but so much must suffice on this subject;' cp. de div. II § 53 *sed haec hactenus; nunc ad ostenta veniamus*, ep. ad Att. V 13 *ergo haec quoque hactenus; redeo ad urbana*, Hor. I Sat. IV 63 *hactenus haec*.

l. 20. **illud autem**] cp. § 70. He here reverts to the observation made in § 71 that, although the duty of serving the state is incumbent upon all who are possessed of the necessary qualifications, yet some are to be excused, who have not the requisite *adiumenta rerum gerendarum*.

l. 21. **res—maximi animi**] 'the most high-spirited actions,' P. S. Gr. p. 415. The sentence would have been clearer with quidem: *maximas quidem res geri,...esse autem etiam in vita otiosa cet.*

l. 22. **res publicas**] 'states,' not 'public affairs,' the Latin equivalent of which is generally *res publica*. Hence Livy III 38 says '*suarum rerum erant, omissa publica*,' sc. re. See n. II § 24.

l. 23. **latissime pateat**] § 4; subjunctive because in suboblique clause, P. S. Gr. p. 459.

l. 24. **otiosa**] § 69, III § 1.

l. 25. **suarum rerum finibus**] 'within the limits of their own private affairs.'

l. 26. **aut interiecti inter philosophos cet.**] 'or occupying a middle position between philosophers on the one hand and statesmen on the other.' The *aut* before *interiecti* corresponds to the *aut* before *investigarent*.

l. 27. **delectarentur re sua familiari**] § 69 l. 5.

l. 29. **potiusque**] 'but rather,' § 22, § 32, § 68.

l. 30. **usus esset**] i.q. opus esset, seldom found in Cicero.

l. 31. **nullo neque turpi quaestu neque odioso**] § 66 l. 32 note, Zumpt Gr. § 754 n. For the sentiment cp. II § 87.

P. 35, l. 2. **servantem licet**] cp. II § 67, l. 21. **magnifice, graviter animoseque**] 'in grandeur, dignity and independence.'

CHAPTER XXVII

§ **93**, l. 5. **sequitur ut—dicendum sit**] for ut dicatur: Madvig Gr. § 373, P. S. Gr. p. 440, § 195.

de una reliqua parte honestatis] 'about the only remaining division of moral rectitude,' viz. the *σωφροσύνη* of the Greeks; but finding no such Latin word, sufficiently comprehensive to express the full meaning of the Greek, Cicero proceeds according to the rule laid down de fin. III § 15 *equidem soleo etiam, quod uno Graeci, si aliter non possum, idem* pluribus verbis exponere.

l. 6. **verecundia**] The office of this virtue, as stated below, § 99 l. 9, is *homines non offendere*, a shrinking from giving offence to others. *Modestia* and *temperantia*, on the other hand, are virtues originating rather with self-respect. These virtues will lead to the same results in the external life and are closely allied to each other. The fourth cardinal virtue was by the Stoics according to Stobaeus ecl. eth. II p. 106 considered to be constituted by *εὐταξία, κοσμιότης, αἰδημοσύνη, ἐγκράτεια*: according to Diogenes VII 126, by *κοσμιότης* and *εὐταξία*. Panaetius and with him Cicero have followed the latter division, wherein *verecundia* and *pulchritudo* together = *κοσμιότης*, cp. § 126.

quasi quidam ornatus] 'that which gives a sort of lustre to, sets off life.' Cp. Plato, de rep. IV p. 430 E *κόσμος πού τις* (Cicero's *ornatus*) *ἡ σωφροσύνη καὶ ἡδονῶν τινῶν καὶ ἐπιθυμιῶν ἐγκράτεια*, and *ξυμφωνίᾳ τινὶ καὶ ἁρμονίᾳ προσέοικε*. Cp. also Gorg. p. 507 A. For the meaning of *quidam* see § 95.

l. 8. **perturbationum**] § 66 note.

rerum modus] moderatio illa quae cavet ne quid nimis. H.

l. 9. **hoc loco**] 'under this head, division of the subject,' § 44, § 156.

l. 10. **decorum**] orat. § 70 *ut in vita sic in oratione nihil est difficilius quam quid deceat videre. πρέπον appellant hoc Graeci, nos dicamus sane decorum...Huius ignoratione non modo in vita sed saepissime et in poematis et in oratione peccatur.*

l. 11. **vis**] 'nature and property,' § 99.

ut ab honesto non queat separari] For nothing is becoming, which is at variance with virtue. So if we say that anything is proper, we shall easily find on reflection that at the bottom of it is virtue, of which that *decorum* is, so to speak, only the exterior side.

§ **94**, l. 14. **intellegi**] 'be conceived,' 'felt.' Cp. § 126 *difficilis ad*

eloquendum sed satis erit intellegi, Brut. § 23 *dicere bene nemo potest, nisi qui prudenter* intellegit, de nat. deor. II § 54, de fin. IV § 36 *cum praesertim ipse quoque animus non inane nescio quid sit* (*neque enim possum id intellegere*), *sed in quodam genere corporis.*

l. 15. **antegressa est**] 'when moral rectitude is the antecedent.' The corresponding Greek word to *antegressa* is *προηγουμένη.* As the nature of honestas consists in the conformity of our actions to right reason, as the rule by which they should be squared, so the nature of decorum consists in our actions being conformable to the dignity of human nature and its superiority over that of the brute creation. Now nothing can be so, except it be conformable to the dictates of reason; and whatever is conformable to reason must be worthy of man. Hence it follows that decorum implies and presupposes honestum as the foundation upon which it is built.

l. 19. **ratione—oratione**] § 50.

agere quod agas] gnomic subjunctive, P. S. Gr. p. 346 § 153 (3).

l. 20. **quid sit veri, videre**] subjunctive of oblique question, P. S. Gr. p. 444.

l. 21. **tueri**] sc. verum.

falli, errare, labi] *falli* and *errare* both apply to 'mistakes of judgment;' *errare* is the stronger of the two, *labi* and *decipi* refer to 'error of conduct' § 18 l. 26.

l. 22. **delirare**] 'to be deranged.' Primarily 'to make a balk in ploughing' from lira 'the furrow made by the plough,' hence 'to deviate from a straight line:' fig. of the understanding, 'to be crazy,' 'deranged.'

mente esse captum] 'to be impaired in mind:' captus 'seized' with abl. of part concerned, Roby II 1210, cp. Tusc. V § 117 *oculis et auribus* captus, Cic. pro Rabir. § 21 *mancus et membris omnibus* captus, Liv. II 36 captus *omnibus membris,* IX 29 *luminibus* captus, XXII 2, 11 *altero oculo* capitur, XXXIII 2 *parte membrorum* captus, XLIII 7 *pedibus* captus, Ov. Fast. VI 204 *lumine captus.*

l. 26. **quod contra**] I § 49, II § 7.

l. 27. **pertinet quidem**] the opposition marked by *quidem* lies in the sentence *quod cogitatione magis—potest.*

§ **95**, l. 28. **ita—ut non—cernatur**] 'without requiring any abstruse process of reasoning to be seen,' § 88 l. 13.

l. 29. **in promptu**] § 6, § 61, II § 68.

est enim quiddam] 'there is in fact a certain something which is becoming, and it is conceived of in every kind of virtue (i.e. is contained in the very notion and idea of all virtue).' Quidam is used either to indicate that the word to which it is attached does not exactly convey the writer's meaning, or is not strong enough, and that the terms used are only make-shifts, as de am. § 29 *admirabilis quaedam benevolentiae magnitudo* 'a really eminent greatness,' i.e. something certain in that way, though perhaps indescribable, so de off. I § 38 *mirifica quaedam animi despicientia,* de fin. III § 23 *ut membra nobis ita data sunt, ut ad quandam rationem vivendi data esse appareant; sic appellatio animi...ad quandam formam vivendi videtur data,* de orat. III § 37 *ergo haec et agenda sunt ab oratore et dicenda quodam modo.*

l. 30. **cogitatione—re**] 'theoretically—practically.'

l. 31. **venustas et pulchritudo**] 'a graceful and handsome appearance.' So Suetonius Ner. 51 *vultu fuit pulchro magis quam venusto.* Cicero defines *pulchritudo* in Tusc. IV § 31, as *corporis quaedam apta figura cum coloris quadam suavitate.*

l. 33. **totum illud quidem**] 'is entirely identified with virtue, it is true, but mentally and theoretically distinguished from it.' For *illud quidem* see § 60, II § 3, 71, III § 79, 117.

l. 34. **confusum**] i.q. coniunctum, cohaerens, as II § 10 *haec tria genera confusa cogitatione distinguunt,* Tusc. I § 23, de fin. V § 67 *haec coniunctio confusioque virtutum tamen a philosophis ratione quadam distinguitur,* de orat. II § 177 *ut re distinguantur, verbis confusa esse videantur.*

§ **96**, l. 35. **discriptio**] 'division,' § 21, § 138. There is a general propriety which pertains to and harmonizes moral rectitude, and which will characterize the man that is possessed of it; and there is a special propriety which is displayed in connexion with the several virtues which constitute moral rectitude: cp. Ambros. de off. I 46 *est igitur decorum quod praeminet, cuius divisio gemina est. Nam est decorum quasi generale, quod per universitatem tenditur honestatis et quasi toto spectatur corpore, est etiam speciale, quod in parte aliqua enitet.*

P. 36, l. 2. **in omni honestate**] 'in every kind of moral goodness:' comp. § 41 l. 33.

huic subiectum] 'subordinate to this,' as the special to the general. The former kind of propriety consists, he proceeds to say, in not losing sight of our superiority, as men, over the brute creation.

l. 6. **in quo natura eius a reliquis animantibus differat**] i.q. a reliquarum animantium natura differat, § 76 l. 9 n, § 105.

l. 8. **sic definiunt, ut—velint**] i.e. statuant; cp. § 8.

l. 9. **ita—ut**] § 95 l. 28.

l. 10. **moderatio et temperantia**] The former word applies to the regulation of the external conduct, the latter more to that of the principles. Cp. Tusc. III § 16 *σωφροσύνην soleo quidem tum* temperantiam, *tum* moderationem *appellare, nonnumquam etiam* modestiam.

cum specie quadam liberali] 'with a certain air such as becomes a free-born man.'

CHAPTER XXVIII

§ **97**, l. 11. **haec ita intellegi cet.**] 'that such is the notion of propriety, we may reckon from that propriety which poets aim at' (*sequuntur* § 4). This poetical propriety is a topic on which Horace enlarges in his Ars poetica; see especially vv. 92, 112—118.

l. 13. **alio loco**] in treatises on Poetic and Rhetoric. Cp. orat. § 71 *semperque in omni parte orationis ut vitae, quid deceat, est considerandum, quod et in re, de qua agitur, positum est, et in personis et eorum qui dicunt et eorum qui audiunt.*

l. 14. **quod deceat**] § 64 l. 19.

quaque persona] 'each several character.' *Persona* (1) 'a mask,' through which the actors spoke, the mouth of the mask being made large for the purpose, hence Horace personae *pallentis hiatum:* (2) 'the character or *rôle* supported by any one,' (3) 'the person who acts the part.'

l. 15. **Aeacus aut Minos**] sons of Jupiter, supposed to have been so just and good during their lives, that after death they were made judges of the dead. See Plato Gorg. c. 79, Plutarch Theseus c. 10, Isocrat. Evag. p. 412.

l. 16. **diceret**] for the singular predicate see P. S. Gr. p. 364.

oderint, dum metuant—natis sepulcro cet.] probably from the Atreus of Attius, Ribbeck trag. lat. rel. pp. 161, 166. The former verse is quoted by Seneca de ira I 20, 4 (*vox*) *illa dira et abominanda 'oderint*

dum metuant.' Sullano scias saeculo scriptam. Oderint? quid? dum pareant? non. dum probent? non. quid ergo? dum timeant. Sic nec amari quidem vellem, de Clem. I 12, 4; II 2; Cic. pro Sest. § 102, Philipp. I § 34, Suet. Calig. 30.

l. 17. **natis sepulcro est ipse parens**] So Ovid metam. VI 665 of Tereus:—

flet modo, seque vocat bustum miserabile nati.

l. 19. **Atreo**] who killed the children of his brother Thyestes and feasted him with their flesh: Aeschyl. Agam. 1590 ff.

l. 23. **praestantia animantium**] the objective genitive is often employed where we use a preposition, Nägelsb. lat. Stil. p. 331. So § 87 *contentio honorum*, II § 58 *consulatus repulsa*, II § 32 *benevolentiae praecepta*, III § 100 *iusiurandum hostium*, de fin. V § 71 *virtutis certamen*, Tusc. I § 27 *excessu vitae*. The connexion of the passage is clear, although not fully expressed: 'but nature herself has assigned us a character, a part to play, very eminent and surpassing that of all other living creatures, and we must keep this in view, to judge what propriety requires;' cp. § 107.

§ **98**, l. 24. **in magna cet.**] 'in the case of a great variety of characters,' 'where there is a great diversity of characters.'

l. 25. **etiam vitiosis**] In a moral point of view there is no *quod decet* for the *vitiosi*, but Cicero is here speaking aesthetically.

quid deceat] sc. vitiosos: cp. § 23 l. 18, § 98 l. 15.

l. 27. **constantiae**] constantia is partly 'steadiness of character,' a part of *magnitudo animi*, partly 'harmony and consistency of behaviour.'

l. 28. **partes**] 'office,' 'duty,' 'function:' cp. § 99 l. 8, ad fam. XI 5 *tuum est hoc munus, tuae partes.*

l. 29. **adversus**] i.q. erga, 'towards,' § 33, § 41.

l. 30. **efficitur ut appareat**] i.q. apparet: 'it comes to pass, that there is seen,' i.e. 'hence there is seen.' With *facere* circumlocution is frequent, as *fecit ut dimitteret milites* for *dimisit milites*, cp. § 110 l. 6.

l. 32. **fusum sit**]=late pateat, § 4.

l. 33. **ut enim pulchritudo corporis cet.**] 'for as the comeliness of the body by the symmetry of its limbs draws the eyes to it and pleases us by the mere fact of all its parts harmonizing with a certain graceful effect, so this propriety, the lustre of which manifests itself in our life, engages the esteem of society, by the order, consistency and restraint which it imposes on our every saying and doing.' A comparison between physical beauty and moral propriety has been already drawn in § 14.

P. 37, § **99**, l. 4. **optimi cuiusque cet.**] for et adversus optimum quemque et adversus reliquos sc. *reverentia*. Similar variations of construction are of frequent occurrence: cp. ep. ad fam. XI 11 *biduo ab Allobrogibus et totius Galliae legatos expecto*, Sallust Iugurth. 23 *aut per vim aut dolis temptare*, Liv. XXXVIII 39 *non tam ob merita quam originum memoria* where see Drakenborch, Ovid heroid. VIII 110 *fugio, sicut ab hoste, virum*, Horace Sat. I 6, 110 *commodius quam tu milibus atque aliis vivo. Optimus* is not here used as in § 85 in a political sense.

l. 5. **neglegere quid de se quisque sentiat**] 'to be careless what people think of one indicates a man not arrogant only but quite unprincipled.' *Se* of course refers to *arrogantis* 'of one's self:' cp. Roby Gr. II 2304, de fin. II, § 78 *amare est velle bonis aliquem affici quam maximis, etiamsi ad se ex iis nihil redundet.* Tacitus Ann. IV 39 truly says *contemtu famae contemnuntur virtutes*, and Fronto ad amicos II 6

(quoted by Allen): *verum est, illum qui opinionem virtutis neglegat, ipsam quoque neglegere virtutem.* The same sort of character is meant by *dissolutus*, as that which Theophrastus describes by ἀπονενοημένος and βδελυρός: see also Cic. de amic. c. XVII 2. It is to be observed that the Stoics regarded δόξα and ἀδοξία as ἀδιάφορα, i.e. things which were in themselves indifferent but not to be despised because of their expediency.

l. 6. **est quod differat**] i.q. aliquantum differt, 'there is a difference.' Cp. de fin. III § 50 *inter illa...aliquid tamen, quod differret, esse voluerunt*, de am. § 61 *est quatenus amicitiae dari venia possit* i.e. aliquatenus, Plaut. Capt. II 2, 77 *est ubi damnum praestet facere quam lucrum.* The subj. is consecutive. *Est quod* also signifies 'there is a reason why,' Zumpt Gr. § 561, Madvig Gr. § 372 b. *obs.* 6, Roby Gr. II 1686.

l. 8. **partes**] 'the office,' 'duty,' above § 98 l. 28: *violare*, to do wrong by violence or fraud.

l. 9. **offendere**] sc. *homines*, 'to give offence to men,' 'to hurt their feelings.' *Offendo* (*offendor*) *in aliquo* is used in a neuter or passive sense 'to find cause of offence,' 'to take offence at any one.'

§ **100**, l. 12. **officium autem**] Postquam intelleximus quid sit, quod deceat, sequitur ut de officio, quod ex eo deducitur, videamus. Illius autem officii quod ad decorum pertinet duo praecepta sunt, unum commune, ut naturam sequamur, quae late patens regula etiam ad id quod decet efficiendum apta est maxime, alterum quod proprie ad quartam hanc virtutem sive moderationis sive temperantiae pertinet, ut appetitum rationi subiciamus. *Z.* 'Further, as for the duty which is derived from it (sc. *quod decet*) the first road on which it conducts us is to harmony with and preservation (i.e. faithful observance) of nature.' Allen compares orat. § 141 *vias quae ad eloquentiam ferrent tradere*, de div. II § 1 *optimarum artium vias tradere.*

l. 13. **primum**] *sed maxima vis decori* l. 19 corresponds to this, cp. § 44 l. 27.

l. 15. **sequemurque cet.**] i.e. but shall endeavour to attain Wisdom, Justice and Courage. Cp. Stobae. ecl. eth. II p. 112 τῆς δὲ σωφροσύνης ἴδιον κεφάλαιόν ἐστι τὸ παρέχεσθαι τὰς ὁρμὰς εὐσταθεῖς καὶ θεωρεῖν αὐτὰς προηγουμένως, κατὰ δὲ τὸν δεύτερον λόγον τὰ ὑπὸ τὰς ἄλλας ἀρετὰς ἕνεκα τοῦ ἀδιαπτώτως ἐν ταῖς ὁρμαῖς ἀναστρέφεσθαι. πάσας γὰρ τὰς ἀρετὰς τὰ πασῶν βλέπειν καὶ τὰ ὑποτεταγμένα ἀλλήλοις. On the use of *que* after a negative clause see note to § 22 l. 32.

l. 19. **in hac—parte**] i.e. *in moderatione et temperantia.*

l. 23. **qui—sunt**] the indicative as used in simple definitions of existing persons or things or classes. Roby Gr. II 1681.

§ **101**, l. 24. **Duplex est enim cet.**] Cicero proceeds to shew what is meant by making the operations of the mind follow nature, i.e. being subject to reason, since the nature of man is distinguished from that of beasts by the possession of reason, cp. l. 31. *Vis* and *natura* are frequently joined in Cicero: they may together be rendered by our word 'essence,' 'being,' 'natural constitution,' cp. § 18 l. 20.

enim] 'Heusingerus correxit autem. Sed declaratur ex animi vi atque natura, quinam animi motus ad naturam accommodati sint' Hand Tursellin. I p. 382. cp. § 50 l. 20 *quae natura principia sint communitatis et societatis humanae, referendum videtur altius. Est enim primum quod cernitur in universi generis humani—societate:* where Hermann translates enim by *nun finden wir dass*, 'now we find that.'

l. 25. **una pars**] 'one power' or 'faculty' of the mind, Gr. μέρος ψυχῆς.

appetitu—quae est ὁρμή] by attraction for qui. Cp. Diogen. VII 86 where an exposition is given of the Stoic doctrine: *ἐκ περιττοῦ δὲ τῆς ὁρμῆς τοῖς ζώοις ἐπιγενομένης, ᾗ συγχρώμενα πορεύεται πρὸς τὰ οἰκεῖα, τούτοις μὲν τὸ κατὰ φύσιν τῷ κατὰ τὴν ὁρμὴν διοικεῖσθαι* (i.e. universale illud *κατὰ φύσιν* regi hoc *κατὰ τὴν ὁρμήν*)· *τοῦ δὲ λόγου τοῖς λογικοῖς κατὰ τελειοτέραν προστασίαν δεδομένου, τὸ κατὰ λόγον ζῆν ὀρθῶς γίγνεσθαι τούτοις κατὰ φύσιν· τεχνίτης γὰρ οὗτος ἐπιγίγνεται τῆς ὁρμῆς.* Aristotle divides the mind into two parts, the *τὸ λόγον ἔχον* or *τὸ λογικὸν* and the *τὸ ἄλογον* or *ἐπιθυμητικόν.* The former Plato (rep. IV p. 431 A) calls *τὸ ἡγεμονικόν, τὸ διανοητικόν, τὸ λογιστικόν, λογισμός.*

l. 28. Ita fit—officii] Facciolati and Baiter consider this passage spurious. *Ita fit—obtemperet,* they think, is a marginal gloss upon the clause which follows § 102, and *omnis autem—discriptio officii* made up of a passage in de fin. III c. 17. Baiter remarks '*si tollantur, cum sensa tum verba rectius inter se congruent.*' The Latinity moreover of the passage is considered doubtful, *actio—debet agere;* but on the other hand *is qui agit* implied in *actio,* may be understood as the subject of *possit,* see I § 121, 134, II § 39, III § 107; cp. de amic. § 74, de orat. II § 62 *audeat.*

CHAPTER XXIX

l. 30. causam probabilem reddere] § 8 *officium id esse dicunt, quod cur factum sit ratio probabilis reddi possit.*

l. 31. descriptio] 'definition,' § 21. See Introd. § 20.

§ 102, l. 33. eamque neque praecurrant cet.] 'and neither get the start of it, nor from laziness or apathy of disposition lag behind it.' *Pigritia* is a physical deficiency, *ignavia* a defect of character.

P. 38, l. 3. exultantes] see § 90, from which it will be seen that this also, like *praecurrant, evagantur* (cp. Hor. Od. IV 15, 9 *evaganti frena licentiae*), *retinentur,* is a metaphorical expression. The uncurbed desires are, in thought, compared with untamed steeds, and *ratio* is represented as a charioteer, driving and guiding them. Cp. Plato Phaedrus p. 246 B.

l. 6. quibus]=et ab iis sc. appetitibus.

l. 7. sed etiam corpora] a zeugma, for *perturbari* cannot fitly be said of bodies, *detorqueri* would be a fitter word.

l. 9. gestiunt] 'are beside themselves with extravagant joy.'

§ 103, l. 11. ut ad officii formam revertamur] 'to return to the representation' or 'delineation of duty,' § 14 *formam et tamquam faciem honesti vides.*

l. 12. contrahendos]=coercendos.

sedandos] 'must be calmed.' Sedare is related to sedere, just as placare to placere, dolare to dolere, rigare to rigere, liquare to liquere, fugare to fugere. Its primary meaning is 'to cause to sit,' hence 'to settle,' 'allay.' Thus Phaedrus II 5, 15 *sedans pulverem* i.e. 'laying the dust;' Propert. IV xxi 19 *sedare vela,* 'to lower the sails,' Cicer. in Arat. V 25 *curriculum sedans,* 'stopping the car.'

l. 14. temere indicates the thoughtless person, **fortuito** the idea of chance as director of his actions. Cp. Tac. Germ. c. 10, Liv. II 28.

l. 16. neque enim ita generati sumus a natura—ut videamur] cp. § 68 l. 20 n. Cicero generally constructs the present perfect with historic consecution. But see P. S. Gr. § 196 I c. (2), and p. 483. For the sentiment cp. Aristotle ethic. X 6, 6 *ἄτοπον τὸ τέλος εἶναι παιδιάν, καὶ πραγματεύεσθαι καὶ κακοπαθεῖν τὸν βίον ἅπαντα τοῦ παίζειν χάριν, σπουδάζειν δὲ καὶ πονεῖν παιδιᾶς χάριν ἠλίθιον φαίνεται καὶ λίαν παιδικόν.*

l. 19. illo quidem] § 66, § 95.

quietibus ceteris] 'the other modes of refreshing the body.' See on this metonymic plural § 41, § 78, Nägelsbach lat. Stilistik p. 183 and cp. Sallust Cat. XV. 4 *neque vigiliis neque quietibus sedari poterat.*

l. 20. cum satis fecerimus] subjunctive of repeated action, P. S. Gr. p. 343.

l. 21. ipsumque] que='further,' cp. § 87, § 108, § 150, II § 20, § 70, § 82.

profusum] 'lavish,' 'excessive,' § 124.

l. 22. ingenuum] i. q. *liberale* § 96, *quale hominem libere natum decet,* 'becoming a freeman;' **facetum** 'witty, humorous.'

l. 23. quae—non sit] consecutive subject with qui.

honestatis actionibus] i.e. actionibus quas honestas praescribit.

l. 25. eluceat] jussive subjunctive.

§ 104, l. 26. inliberale]=Gr. *ἀνελεύθερον,* 'unworthy of a freeman,' 'vulgar,' 'coarse,' opposed to ingenuum, l. 22. **petulans,** 'rude,' 'wanton,' **flagitiosum,** 'shameful,' 'scandalous,' **elegans,** 'in good taste,' **urbanum,** 'gracious,' **ingeniosum,** 'clever.'

l. 28. Plautus] Cicero's criticism on Plautus is more just than that of Horace who in his A. P. l. 270 says

at nostri proavi Plautinos et numeros et
laudavere sales, nimium patienter utrumque,
ne dicam stulte, mirati.

l. 29. antiqua comoedia] the old, or great political Comedy of Athens 470—390 B.C. of which Aristophanes (448—385 B.C.) is the principal representative. Plautus and Terence imitated Menander, Philemon and Diphilus, the writers of the new comedy, 320—250 B.C., which more resembled our modern comedy of manners.

Socraticorum libri] Brut. § 292 *ego ironiam illam, quam in* Socrate *dicunt fuisse, qua ille in Platonis et Xenophontis et Aeschini libris utitur,* facetam et elegantem *puto.*

l. 31. a sene—collecta] not taken down at the dictation of Cato but collected by him, de orat. II § 271 *nam quod apud Catonem est qui multa rettulit, ex quibus a me exempli causa compluscula ponuntur, per mihi scitum videtur cet.* Cato Censorius died B.C. 149.

ἀποφθέγματα] 'terse, pointed *bon mots*:' ad fam. IX 16, 4 *audio Caesarem, cum volumina iam confecerit ἀποφθεγμάτων, si quod ad eum afferatur pro meo, quod meum non sit, reicere solere.* Such *ἀποφθέγματα* were called dicta (de orat. II § 222 *haec bona dicta, quae salsa sint; nam ea* dicta *appellantur proprio iam nomine,* Cic. ap. Macr. Saturn. II 1, 14 *nostri cum omnia quae dixissemus dicta essent, qua facete et breviter et acute locuti essemus, ea proprio nomine appellare* dicta *voluerunt*) or dicteria.

l. 32. alter est, si tempore fit cet.] 'the one kind of jest is, if employed at a seasonable time, as for instance when a man's mind is disengaged from business, worthy of a *great* man (i. q. *dignus hominis praestantia* § 106); the second kind is not worthy even of a free man etc.' The same opposition occurs de or. II § 252 *obscenitas, non solum non foro digna sed vix convivio liberorum.*

l. 33. tempore] sc. suo, as *loco suo* § 142, Heine reads *in tempore*=temperi III § 58.

l. 34 rerum turpitudini cet.] de orat. II § 236 *haec ridentur vel sola*

vel maxime, quae notant et designant turpitudinem aliquam non turpiter, i.e. *sine verborum obscenitate*, ib. § 242 *praestet (orator) ingenuitatem et ruborem suum verborum turpitudine et rerum obscenitate vitanda.*

P. 39, l. 2. modus] 'measure,' 'just degree' or 'limit,' 'compass:' § 140 *cavendum est...ne extra modum prodeas*, Tusc. V § 80 *adhibeat oratio modum.*

ut ne nimis omnia profundamus] 'that we do not lash out into excesses.' 'Ne totos nos quasi effundamus laetitia, extra nos fiamus.' *Z.* Cp. § 203 l. 21, II § 65.

l. 3. elati] 'carried away,' 'transported.' 'Proprie efferri est cursu longius quam par erat procedere. Liv. III 5 *Furium legatum longius extulit cursus.* Hinc eleganti metaphora de iis quorum appetitus evagantes a ratione non satis retinentur. Cp. Tusc. V § 15 *motus turbulenti iactationesque animorum incitatae et impetu inconsiderato elatae, rationem omnem repellentes.* *H.*

l. 4. campus noster] sc. the campus martius, which was used by the young Romans as an exercise ground, for riding, swimming, driving and various games and sports. Horace Od. I 8, 3, III 7, 25,

> *quamvis non alius flectere equum sciens*
> *aeque conspicitur gramine martio:*

and Epist. I 18, 54, A.P. 162, Sat. II 1, 8, Statius silv. V 2, 113—116.

studia venandi] 'amusement of the chase,' which Horace Epist. I 18, 48 calls *Romanis sollemne viris opus*; cp. Od. III 24, 56, Sat. II 2, 9.

CHAPTER XXX

§ 105, l. 6. officii quaestionem] 'inquiry about duty,' § 87 l. 31.

l. 7. in promptu] 'before our eyes,' § 61, § 95.

l. 8. pecudibus reliquisque beluis]=*pecudum naturis* 'those of cattle and all other sorts of beasts,' § 76, § 96 l. 6. 'Pecudes,' says Zumpt, 'bestias cicures et domesticas dicimus, in primisque oves; de omni genere animalium ratione non utentium bestias proprie dicere debebat: dixit autem beluas, quoniam de maioribus bestiis intellegi voluit, bestiarum autem nomine etiam pisces et conchylia comprehenduntur, quorum cum homine comparatio aliena erat a re.'

l. 10. feruntur] i.e. instinctively, in opposition to *ducuntur*: cp. § 118 *deducimur*—feruntur, § 145 deferri—*deducitur.*

l. 12. delectatione] Zumpt remarks on the propriety of the word, which implies more than *oblectatio*, 'improvement' as well as mere 'gratification,' II § 6.

l. 15. sed]=δ' οὖν, 'but,' 'however:' II § 73, III § 97. *At* and *igitur* are similarly used § 121, *ergo* § 134, after a digression.

siquis est paulo erectior] 'if a man is ever so little elevated above instinct,' 'has but a little elevation of character,' not, as Zumpt takes it, 'is a little too alive to the excitements of pleasure.'

§ 106, l. 19. quispiam qui aliquid cet.] 'if there be one such person found as to set some value on sensual gratification,' III § 120.

l. 25. delicate] 'voluptuously.'

§ 107, l. 28. personis] 'characters,' § 97, § 98.

l. 29. communis] 'universal, arising from the fact of our all being partakers of reason and so superior to the brute creation.' *Ex eo*=secundum id.

l. 32. et ex qua cet.] 'and from which the rational method of finding out our duty is derived.' For we find out what our duty is, by reflecting how much and in what respects human nature is superior to that of beasts.

P. 40, l. 2. in formis aliis inesse] 'and so in the case of figures, some have a noble, others a graceful appearance.' Comp. I § 46, II § 61 for the meaning of *in*. Observe that *aliis* is the dative after *inesse.*

l. 3. sic in animis] 'so, in the case of dispositions, there are still greater varieties.' Cp. Persius Satir. V 56,

> *mille hominum species et rerum discolor usus,*
> *velle suum cuique est, nec voto vivitur uno.*

§ 108, l. 4. erat] Sic Cicero loqui solet de iis quos antea quidem vidit sed qui iam non supersunt. *H.* **Crasso**] L. Licinius Crassus, the great orator, born B.C. 139, consul B.C. 95, (Verr. II 49, 122, Brut. § 229), died when Cicero was in his sixteenth year B.C. 96. He is one of the interlocutors in Cicero's dialogue *de oratore*, in which we find particular allusions to his character. See especially I § 24, II § 220 *non fere quisquam reperietur praeter hunc* (Crassum) *in utroque genere leporis excellens et illo, quod in perpetuitate sermonis et hoc quod in celeritate atque dicto est.* Brut. § 143 *equidem*—Crasso *nihil statuo fieri potuisse perfectius. Erat summa gravitas, erat cum gravitate iunctus facetiarum et urbanitatis oratorius, non scurrilis lepos; Latine loquendi accurata et sine molestia diligens elegantia; in disserendo mira explicatio, cum de iure civili, cum de aequo et bono disputaretur, argumentorum et similitudinum copia*; Herenn. 4, 22, de orat. II § 188, orat. § 106, § 132, de off. I § 131, Brut. § 138, § 145, § 197, § 207, § 256, § 301, de off. II § 47, § 63. The fragments of his speeches are given in Meyer's *Orat. Roman. fragm.* p. 146 ff. He is mentioned again II § 57.

L. Philippo] Lucius Marcius Philippus, Q. F. Q. N. the same according to Orelli (onomast. Tullian. p. 381) who is spoken of by Horace Epist. I 7, 46 as *strenuus et fortis causisque Philippus agendis clarus*, was a tribune of the plebs B.C. 103 (de off. II § 73), consul B.C. 91 with Sext. Julius Caesar. Cicero speaks very highly of him, II § 59 *magno vir ingenio*, pro Mur. § 36 *summo ingenio, opera, gratia*, pro Quint. § 72 *L. Philippus, eloquentia, gravitate, honore florentissimus civitatis*, Brut. § 173 where after ranking him next (*proximus sed longo intervallo tamen proximus*) to Crassus and Antony he speaks of his *summa libertas in oratione, multae facetiae; satis creber in reperiendis, solutus in explicandis sententiis; erat etiam imprimis, ut temporibus illis, Graecis doctrinis institutus, in altercando cum aliquo aculeo et maledicto facetus*, ib. § 186, § 207, § 301, § 304.

l. 5. magis de industria] 'more studied,' whereas in Crassus and Philippus it was rather a natural endowment.

l. 6. in C. Caesare] Gaius Julius Caesar L. F. Strabo Vopiscus, called also Sesquiculus, aedile B.C. 90 when his brother Lucius Julius Caesar was consul, was slain together with him B.C. 87 when Marius and Cinna obtained possession of Rome. Wit was the chief characteristic of his oratory; but he was deficient in power: Brut. § 177 *festivitate et facetiis et superioribus et aequalibus suis omnibus praestitit, oratorque fuit minime ille quidem vehemens, sed nemo umquam urbanitate, nemo lepore, nemo suavitate conditior*, and Tusc. V § 55 C. Caesar, *in quo mihi videtur fuisse specimen humanitatis, salis, suavitatis, leporis*, de

orat. III § 30 *novam quandam rationem attulit orationis—res tragicas paene comice tractavit.* He is introduced by Cicero as one of the speakers in the de oratore, II § 12. See below § 133, de orat. II § 98, III § 10, Brut. § 98, Philipp. II § 11, de off. II § 50.

l. 7. **Scauro**] § 76. Cicero, de orat. I § 214, speaks of him as *vir regendae reip. scientissimus—prudentia tamen rerum magnarum magis quam dicendi arte nitebatur*, Brut. § 110 *M. Aemilius Scaurus et P. Rutilius, quorum neuter summi oratoris habuit laudem, et uterque in multis causis versatus erat*, ib. § 116 *habemus in Stoicis oratoribus Rutilium, Scaurum in antiquis.* The character of his oratory is given in Brut. § 111 *in Scauri oratione, sapientis hominis et recti, gravitas summa et naturalis quaedam inerat auctoritas, non ut causam sed ut testimonium dicere putares, cum pro reo diceret.*

Druso] M. Livius Drusus was the son of M. Livius Drusus who was tribune of the plebs with C. Gracchus B.C. 122 (Brut. § 109). He was himself tribune of the plebs B.C. 91, when, having organised a conspiracy against the government, he was assassinated (*interfectus domi suae*, de nat. III § 80, § 81, Her. 4 § 31). Cp. Brut. § 222 *M. Drusus, M. Bruti magnus avunculus, gravis orator ita duntaxat, cum de rep. diceret*, pro Rab. Post. § 16, pro Cluent. § 153, pro domo § 120, pro Mil. § 16. Asconius in Cornel. p. 68 M. Livius Drusus, *tribunus pl. cum senatus partes tuendas suscepisset et leges pro optimatibus tulisset, postea eo licentiae est progressus, ut nullum in his morem servaret. Itaque L. Marcius Philippus consul* a. u. c. 663, *qui ei inimicus erat, obtinuit a senatu, ut leges eius omnes uno senatus consulto tollerentur. Decretum est enim, contra auspicia esse latas neque iis teneri populum.*

l. 8. **C. Laelio**] § 90. Cp. pro Mur. § 66 *quis C. Laelio comior, quis iucundior eodem ex studio isto? quis illo gravior, sapientior?*

l. 9. **Scipione**] i.e. the younger Africanus, § 87 l. 3 note, § 116, § 121.

ambitio] 'desire of popularity,' Germ. 'Menschengefälligkeit' (*Heine*). Cp. ad Qu. fr. I 1, 11 *praesertim cum hi mores tantum iam ad nimiam lenitatem et ad ambitionem incubuerint*, ad fam. XIII 5, 1 *nam cum multi a me petant multa, non committo, ut ambitione mea conturbem officium tuum.*

l. 10. **tristior**] 'more austere,' 'more sad' in the old sense of the word.

de Graecis] n. to III § 34.

l. 11. **simulatorem quem εἴρωνα cet.**] *Εἴρων* is properly one who conceals what he possesses, what he thinks; the term was applied to Socrates, because he was so much in the habit of *dissembling* his real knowledge. Hence we should have expected dissimulatorem rather than simulatorem. But it is clear that every act of dissimulatio involves a corresponding simulatio. Thus Socrates, to use the words of Cicero Brut. § 292, *omnium se rerum inscium fingebat et rudem;* and therefore was a simulator properly so called. Still *εἰρωνεία* corresponds in its literal meaning to dissimulatio, and it is so translated by Cicero Acad. II § 15 *cum aliud diceret atque sentiret, libenter uti solitus est ea dissimulatione, quam Graeci εἰρωνεία vocant.* *Εἴρων*, according to Quintilian's translation of the word, is *agens imperitum et admirator aliorum tamquam sapientum.* Cp. Brut. § 292 *cum de sapientia disceptetur, hanc sibi ipsum detrahere, eis tribuere illudentem, qui eam sibi arrogant: ut apud Platonem Socrates in caelum effert laudibus Protagoram —se autem omnium rerum inscium fingit et rudem.*

l. 13. **Periclem**] Plutarch. Pericl. c. 5 *οὐ μόνον ὡς ἔοικε τὸ φρόνημα σοβαρὸν καὶ τὸν λόγον ὑψηλὸν εἶχε—ἀλλὰ καὶ προσώπου σύστασις ἄθρυπτος εἰς γέλωτα* : de orat. III § 138, Valer. Max. VIII 9.

l. 15. **Q. Maximum**] i.e. Fabius Cunctator, § 84.

l. 16. **praeripere**] i.e. 'summa celeritate hostium consiliis praevenire,' 'to anticipate (and so frustrate) the enemies' designs.' A stronger expression than *praecipere* i.e. *praesentire*, the reading which though it rests on inferior authority Orelli adopts: cp. § 81 l. 25.

l. 17. **Pheraeum Iasonem**] Jaso, the *τύραννος* of Pherae, was the first who planned an invasion of Persia by the combined forces of all the Hellenic states. His death B.C. 360 cut short his ambitious designs. Xenoph. Hellen. VI § 20, Diod. Sic. XV p. 373.

l. 18. **versutum et callidum factum Solonis**] On occasion of the contest between Athens and Megara respecting the possession of Salamis, the ill success of the attempts of the Athenians to make themselves masters of the island had led to the enactment of a law forbidding the writing or saying anything to urge the Athenians to renew the contest. Solon, indignant at this dishonourable renunciation of their claims, evaded the law by feigning madness, and in this disguise reciting a short elegiac poem, which he had composed, calling upon the Athenians to retrieve their disgrace and reconquer the 'lovely island.' The law was repealed, war declared, and the expedition successful. Iustin. II 7, Valer. Max. V 3.

qui...vita eius] [Verr. II § 174 *de quibus, ut eos iudices habeamus, legem...promulgatam videmus*: cp. Poppo in Mützell's *Zeitschrift für das* Gymnasialwesen, XVIII 657. J. E. B. M.]

quo] = ut eo 'that so,' final.

l. 19. **plus aliquanto**] 'considerably more.' *Aliquanto* means 'in some degree,' great or small, as determined by the context. Cp. § 81, l. 27. For the position of the comparative cp. Brutus § 270 *melius aliquanto*, ad Att. V 21 *minus paulo*, Sueton. Tiber. 62 *plures aliquanto*, Liv. XXVII 36, 7 *minor aliquanto numerus*, V 29, 5 *maius aliquanto certamen.*

§ **109**, l. 21. **de insidiis**] = per insidias. Hand Tursell. Tom. II p. 628, who compares Tibull. I 1, 37 *neu vos de paupere mensa dona nec e puris spernite fictilibus.* For the change of prepositions cp. Liv. XLII 24, 4 *ob nullam aliam causam nisi propter constantem fidem.*

l. 22. **qui quidvis perpetiantur**] conditional subjunctive, the protasis being *dum—consequantur.*

l. 24. **Sullam**] See for instances Plutarch Sull. c. 5, 6, 28 where he is called *ἀλώπηξ*, Sall. Iug. 95, 3 where he is thus characterised: *facundus, callidus et amicitia facilis, ad simulanda negotia altitudo ingeni incredibilis, multarum rerum ac maxime pecuniae largitor.*

M. Crassum] § 25, III § 73. Plut. Crass. c. 3 *οὐδενὶ γὰρ οὕτως ἀπήντησε Ῥωμαίων ἀδόξῳ καὶ ταπεινῷ Κράσσος, ὃν ἀσπασάμενον οὐκ ἀντιπροσηγόρευσεν ἐξ ὀνόματος* and c. 6 *δεινότατος ἦν Κράσσος πάντας ἀνθρώπους κολακείᾳ κατεργάσασθαι*, and in his comparison between him and Nicias c. 1 *ἃ δὲ ἔξαρνος ἦν ἐλεγχόμενος, ἐπὶ κέρδεσιν ἐν βουλῇ λέγειν καὶ τοὺς συμμάχους ἀδικεῖν καὶ γύναια περιϊὼν κολακεύειν καὶ συνεπικρύπτειν τοὺς πονηρούς, τούτων αἰτίαν οὐδὲ ψευδῆ ποτε Νικίας ἔλαβεν.*

l. 26. **contra**] i.e. *fuisse contrarium*, I § 49, II § 7, de fin. § 50 *alia aestimabilia, alia contra.*

Callicratidam] § 84: Xenoph. Hellen. I 6 §§ 1—33. He succeeded Lysander as admiral of the Lacedaemonian fleet B.C. 406. His straight-

forward honesty and Spartan bluntness formed a strong contrast with the artful diplomacy of his predecessor.

l. 27. in sermonibus alium] sc. *videmus.* Instead of a corresponding *alium* we have the opposition in l. 22 *contraque—nullam habuisse comitatem sermonis* q. d. *alium nullam habere comitatem sermonis, qualem audivimus fuisse* etc. Cp. Madvig, Exc. I ad de fin. p. 785 ff.

l. 28. efficere] The infinitive depends upon *accepimus. Unus de multis* 'an ordinary person,' literally 'one of whom there are many such,' so Tusc. I § 17 *non quasi Pythius Apollo sed ut unus e multis,* Horat. Sat. I 2, 71 *sum paulo infirmior, unus multorum,* Plin. epist. I, 3, Brut. § 274 *qui non fuit orator unus de multis, potius inter multos prope singularis fuit,* de fin. II § 66. Cp. Demosth. c. Mid. p. 545 τῶν πολλῶν εἷς.

l. 29. Catulo et in patre et in filio] Q. Lutatius Q. F. Catulus, who was the colleague of Marius in his fourth consulship, B.C. 102, and gained a victory with him over the Cimbri near Vercellae: he was included in the Marian proscription B.C. 87, and, escape being impossible, put an end to his life, (de orat. III § 9, de nat. d. III § 80, Tusc. V § 56). He is frequently spoken of by Cicero with praise; pro Rabir. perd. § 21 *Catulus pater, in quo summa sapientia, eximia virtus, singularis humanitas fuit,* pro Fonteio § 33. He was an accomplished Greek scholar, and famed for the grace and purity with which he wrote his own language (de orat. II § 28, III § 29, Brut. § 132) *multae litterae, summa non vitae solum atque naturae, sed orationis etiam comitas, incorrupta quaedam Latini sermonis integritas: quae perspici cum ex orationibus eius potest, tum facillime ex eo libro, quem de consulatu et de rebus gestis suis conscripsit molli et Xenophonteo genere sermonis,* ib. § 259. He is introduced in the de oratore, as accompanying his half-brother C. Julius Caesar Strabo (§ 108, l. 5) to the Tusculanum of Crassus. His son has been already mentioned in § 76, cp. § 133.

l. 30. Mancia] Quis fuerit nescimus, nobilis tamen. *Z.* Heine conjectures *Q. Mucio, L. Marcio;* understanding by the former, either the augur (Brut. § 212 *percomis erat*) or the pontifex maximus § 116, by the latter L. Marcius Philippus mentioned already § 108. Unger would read *in Q. Mucio, in Mancia* referring to de orat. II § 274.

l. 31. P. Scipione Nasica] P. Cornelius Scipio Nasica, son of Serapion (§ 76), was consul B.C. 111 with L. Calpurnius Bestia who conducted the war against Jugurtha. Cicero speaks of his readiness and wit, Brutus § 128 P. Scipio, *qui est in consulatu mortuus, non multum ille quidem nec saepe dicebat, sed et Latine loquendo cuivis erat par et omnes sale facetiisque superabat.*

patrem eius] § 76, Brut. § 107 *illum Scipionem quo duce privato Ti. Gracchus occisus esset, cum omnibus in rebus vehementem, tum acrem* (L. Attius) *aiebat in dicendo fuisse.*

l. 33. Xenocratem] a native of Chalcedon, and pupil of Plato with Aristotle, succeeded Speusippus as president of the Academy. His want of quick apprehension and grace was compensated by great industry, moral purity, and benevolence, which compelled esteem from the Athenians of his own age. See cr. not.

CHAPTER XXXI

P. 41, § 110, l. 3. sua cuique] 'every one should keep to what is appropriate to his own character.' Elsewhere Cic. prefers sua cuiusque, as § 21, § 119, II § 78.

l. 4. non vitiosa]=quae quidem non sint vitiosa, cp. I § 120, II § 70 l. 27.

quo—retineatur]=ut eo facilius retineatur, final subj. Roby Gr. II 1636, P. S. Gr. p. 458.

l. 5. quod quaerimus] 'which is the object of our enquiry,' § 79.

l. 6. sic—faciendum est ut c. n. nihil contendamus] cp. § 97 l. 30, Zumpt Gramm. § 618.

universam naturam]=communem omnium hominum, § 107.

l. 8. propriam nostram] i.e. 'our own individual character,' which we may follow the bent of, unless it run counter to that universal character which nature has given us or the natural principles common to all men, i.e. unless it be vicious.

l. 10. studia—naturae regula metiamur] Hor. Ep. I 7, 98 *metiri se quemque suo modulo ac pede verumst.*

l. 11. neque enim attinet] sc. ad id quod faciendum est, i.e. *non est usui, non ex re est,* 'it avails not.' Cp. de fin. IV § 60 *quid attinuit cum iis, quibuscum re concinebat, verbis discrepare,* ib. III § 3 *ut commoneri nos satis sit, nihil attineat dicere.*

l. 13. emergit] i.q. elucet, 'it is evident,' lit. 'comes into sight.'

l. 14. invita Minerva] 'against the grain.' So Horace A. P. l. 385. Compare the expression *crassa Minerva* Hor. Sat. II 2, 3, *pingui Minerva* Cic. de am. V 19. *Minerva* being the goddess of the useful arts and liberal sciences, her name is often used by metonymy in the sense of *ingenium* 'wit' or 'wisdom' itself, just as Iuppiter and in Greek Ζεύς, the 'god of the sky,' is often put for the 'sky' or 'atmosphere' itself, Ceres for 'corn' (Verg. Georg. I 408), Bacchus for 'wine' (Aen. VIII 131). Hence also we have *minerval,* 'fee for instruction.'

id est] i.e. id est enim. Madv. de fin. p. 72.

§ 111, l. 16. aequabilitas cet.] 'uniform consistency in the whole course of our life and also in each particular action of it.' On the omission of *tum* in the first part of the sentence see § 71 l. 27 n.

l. 18. conservare non possis] See Madvig Gr. § 370 concerning this use of the second person of the potential to express a single undefined subject (*you=one*). Of an actually existing subject it would be *conservare non possumus, si omittimus.* Cp. § 82 l. 4, § 59 l. 19, Roby Gr. II 1544, Munro Lucret. I 327, II 36, 41.

l. 20. qui notus est nobis] 'which is familiar to us.' See cr. not.

ne—inculcantes] 'lest, like certain people who are continually foisting in Greek phrases, we draw well-deserved ridicule upon ourselves.' Cicero shews his dislike to this practice Tusc. I § 15 *scis enim me Graece loqui in Latino sermone non plus solere quam in Graeco Latine:* Juvenal also censures this vicious practice of his age, Sat. VI 187 ff.:—

omnia Graece,
cum sit turpe magis nostris nescire Latine;
hoc sermone pavent, hoc iram, gaudia, curas,
hoc cuncta effundunt animi secreta.

l. 22. nullam discrepantiam cet.] 'we ought not to introduce any discordance into our actions.'

§ 112, l. 24. mortem sibi ipse consciscere alius debeat] The Stoics held that life and death were things indifferent in themselves and that in some cases a wise man might make away with himself, de fin. III § 60.

In the somnium Scipionis (de rep. VI 15) Cicero gives his own opinion thus: *piis retinendus est animus in custodia corporis, nec iniussu eius a quo ille est nobis datus ex hominum vita migrandum est,* which is further explained by Sen. c. 20, 21, 1, 6, Tusc. I § 74 *Cato sic abiit e vita, ut causam moriendi nactum se esse gauderet. Vetat enim dominans ille in nobis deus iniussu hinc suo nos demigrare; cum vero causam iustam deus ipse dederit, ut tunc Socrati, nunc Catoni, saepe multis, nae ille vir sapiens laetus ex his tenebris in lucem illam excesserit.* He appears to follow Socrates who in Plato (Phaedo c. 6) advances the opinion: *ἴσως τοίνυν ταύτῃ οὐκ ἄλογον μὴ πρότερον αὑτὸν ἀποκτιννύναι δεῖν, πρὶν ἂν ἀνάγκην τινὰ ὁ θεὸς ἐπιπέμψῃ, ὥσπερ καὶ τὴν νῦν παροῦσαν ἡμῖν.* Pliny refers to this doctrine of *ἀνάγκη* epist. I 12, 3 *Corellium quidem summa ratio, quae sapientibus pro necessitate est, ad hoc consilium compulit, quamquam plurimas vivendi causas habentem.*

l. 25. in eadem causa] 'under the same circumstances.'

l. 26. M. Cato] M. Porcius Cato Uticensis, great grandson of Cato the Censor, was born B.C. 95. In the civil war between Caesar and Pompey, he sided with the latter, and on the death of his leader went over to Africa, and when, after the battle of Thapsus, this province submitted to Caesar, rather than fall into the hands of the enemy he put an end to his life at Utica at the age of 49. See the famous soliloquy put into his mouth by Addison (Fol. Silv. II § 511). Cp. de fin. III 18. The character of his mind naturally led him to embrace the philosophy of the Porch; and among the profligate nobles of the age he became conspicuous for his stern and rigid morality (Sallust Cat. c. 53, Hist. Bell. Afric. c. 87; Horace Od. II 1, 24

et cuncta terrarum subacta
praeter atrocem animum Catonis.

alia ceteri] for in alia, § 107 l. 3, § 134 l. 3, II § 19 l. 18, § 55 l. 35.

l. 28. lenior] = minus severa.

l. 30. perpetua constantia roboravisset] cp. pro Mur. § 3 *M. Catoni vitam ad certam rationis normam dirigenti et diligentissime perpendenti momenta officiorum.*

l. 32. moriendum—fuit] sc. ei, the impersonal gerundive construction, P. S. Gr. p. 430, Madvig Gr. 421 a. **tyranni**] § 26.

P. 42, § 113, l. 2. si—appellandae sunt] i.q. si—appellari debent; cp. ad fam. XI 8 *Romae delectus habetur totaque Italia, si hic delectus appellandus est, cum ultro se offerunt omnes,* de fin. III § 7 *quasi helluari libris, si hoc verbo in tam clara re utendum est.* Zumpt Gr. § 650, P. S. Gr. p. 475.

l. 4. iucundum se esse vellet] § 65.

l. 5. servorum ancillarumque] as Melanthius, Melantho and Irus, Hom. Odyss. XVII and XVIII.

l. 6. quo animo traditur] sc. fuisse: 'such is the (haughty) spirit he is said to have had.' Madvig Gr. § 446, Roby Gr. II 1715.

l. 7. maluisset] conditional subj.

quae contemplantes] = quae qui contemplantur, eos.

l. 8. expendere oportebit] 'it will be each man's duty to weigh well, what are his own peculiar points of character, and to regulate these properly, and not wish to try experiments to see how far those of another man suit him. For that is most becoming to each man which is most natural to him.' *Sui* is not a partitive, but possessive genitive.

l. 9. velle experiri] Allen compares Ov. Metam. X 133 *velle mori statuit,* 38 *certum est nolle redire mihi.*

l. 10. quemque—cuiusque] § 21 l. 28 n.

§ 114, l. 12. bonorum] sc. animi, 'his good qualities.'

scaenici] 'actors,' pro Planc. § 30, Verr. III 79 § 184.

l. 15. Epigonos] a tragedy of L. Accius (170—94 B.C.) translated probably from the Greek of Aeschylus. It is quoted Tusc. II 60, cp. de opt. gen. orat. § 18. The Ἐπίγονοι were the descendants of the seven chiefs, who fell before Thebes with Polynices. They avenged the slaughter of their fathers by a second war, in which Thebes was taken and plundered. Other plays by the same poet quoted or referred to in Cicero are Argonautae (de n. d. II § 89), Atreus (ib. III 68, de off. I § 97, III § 102, § 106, Tusc. disp. IV § 55, § 77, V § 52, de or. III § 218, pro Sestio § 102, pro Planc. § 59), Brutus (Philipp. I § 36, II § 31, pro Sest. § 123), Clytemestra (ad fam. VII 1, 2, de off. III § 84), Eurysaces (pro Sest. § 120, de off. I § 114), Epinausimache (? Tusc. II 38), Hecuba (de div. I § 42), Hercules (de nat. d. III § 41), Medea (de nat. d. II § 89), Melanippus (Tusc. III § 20), Oenomaus (ep. ad fam. IX § 16), Pelopidae (?) (de nat. deor. III § 90), Philoctetes (Tusc. I § 68, II § 23, de nat. deor. I § 119, de finn. II § 94, V § 32), Tereus (ep. ad Att. XVI 3, 5, 33, 19, Philipp. I § 36).

Medum] a tragedy of M. Pacuvius, in which Medus, the son of Aegeus by Medea, is represented as in danger of being put to death by Perses the brother of his grandfather Aeetes, from which he is rescued by the arrival of his mother: see Hyginus fab. 27. Other tragedies of Pacuvius [220—132 B.C.] quoted or referred to in Cicero are: *Antiopa* (de fin. I § 4, acad. pr. II § 20, de off. I § 114), *Armorum indicium* (orat. § 155), *Chryses* (de orat. III § 167, orat. § 155, de div. I § 131, de nat. d. II § 91), *Hermiona* (de orat. II § 187, Tusc. II § 47), *Iliona* (Tusc. I § 106, pro Sest. § 126, Acad. pr. II § 88, ep. ad Att. XIV 14), *Niptra* (Tusc. V § 46), Inc. fab. (de fin. V § 31, ad Herenn. II § 36, de rep. III § 14, de div. I § 24).

Melanippam] a tragedy of Q. Ennius [209—169 B.C.]. Other tragedies by the same poet quoted or referred to in Cicero are the *Alcumeo* (de orat. III § 218, de fin. IV § 62, Acad. pr. II § 89, pro Rosc. Am. § 67, in Pison. § 46, § 154), *Alexander* (de div. II § 112, I § 114), *Andromacha Aechmalotis* (ep. ad Att. IV 15, 6, Tusc. I § 48, § 85, III § 44, § 53, de orat. III § 101, or. § 93), *Iphigenia* (Tusc. IV 77), *Medea exul* (de fin. I § 4, de fato § 35, pro Caelio § 18, de nat. deor. III § 75, Tusc. I § 45, III § 63, IV § 69, ad fam. VII 6, de nat. deor. III § 65), *Telamo* (de div. II § 104, de nat. d. III § 79, de div. I § 132), *Thyestes* (Brut. § 78, orat. § 184, de orat. III § 164, Tusc. III § 26, I § 107). Melanippe Aeoli filia, a Neptuno furtim amata, liberis duobus, quos illi pepererat, privata in vinculis tenebatur, donec a filiis liberata est. *Z.* See Hyginus fab. 186. Euripides wrote two plays Μελανίππη ἡ δεσμῶτις and Μελανίππη ἡ σοφή: see Nauck tragg. graec. fragmenta p. 404—p. 414.

Clytemestram] the latinized form of Κλυταιμνήστρα, Ritschl Opusc. II 497 sq., a tragedy of L. Attius, acted at the games of Pompey B.C. 55 as we learn from Cicero ep. ad fam. VII 1.

l. 16. Rupilius—Antiopam] histrio, quem adhuc puer vidit Cicero. Is igitur in Pacuvii fabula Antiopam, Nyctei filiam, matrem Zethi et Amphionis, agebat, a Dirce patrui uxore oppressam, filiorum, quos ig-

norabat ignorata et ipsa, auxilium implorantem, tandem agnitam et servatam. *Z.* Cp. de fin. I § 4, de opt. gen. or. § 18, Persius Sat. IV 77:—

sunt quos Pacuviusque et verrucosa moretur
Antiopa aerumnis cor luctificabile fulta.

l. 17. Aesopus] Aesopus [122—54 B.C.] the most famous Roman actor of his time next to Roscius, was a friend of Cicero and his instructor in the art of elocution. He was naturally grave and sedate in his actions, and so not fitted for the violent exertions required in representing the part of Aiax furens. Comp. Varro L.L. VII 5 p. 381 Spengel, Tusc. IV § 55 *num egisse umquam iratum Aesopum existimamus?* pro Sestio § 120 *Aesopus, summus artifex et semper partium tam in rep. quam in scena optimarum Accii Eurysacen agens, summi poetae ingenium non solum arte sua sed etiam dolore exprimebat,* de div. I § 80 *equidem vidi* (Q. Cicero loquitur) *in* Aesopo, *familiari tuo, tantum ardorem vultuum atque motuum, ut eum vis quaedam abstraxisse a sensu mentis videretur,* (ad Herenn. III § 34), *Aesopus egit in Iphigenia Agamemnonem,* Tusc. II § 39. See also Quintil. XI 3, Horat. II Epist. I, 82.

ergo hoc videbit—non videbit] The common mode of expressing a sentence which involves a conclusion *a minore ad maius.* In Greek such sentences are connected by *μέν* and *δέ* (Buttmann Gr. Gr. p. 396 ed. 1833). Translate: 'shall a wise man not look to this in (choosing) his way of life, when an actor observes it in (choosing) his part?' So Tusc. II § 39 *ergo haec veteranus miles facere poterit, doctus vir sapiensque non poterit?* ib. I § 31 *ergo arbores seret diligens agricola, quarum adspiciet bacam ipse numquam; vir magnus leges, instituta, remp. non seret?* ib. III § 31, de fin. 2 § 110 *ergo in bestiis erunt secreta a voluptate humanarum quaedam simulacra virtutum, in ipsis hominibus virtus nisi voluptatis causa nulla erit?* See Hand Tursell. II 460, Zumpt Gr. § 781.

l. 19. elaborabimus] future for imperative, P. S. Gr. p. 335 E, Roby Gr. II 1466, Zumpt Gr. § 586.

l. 20. quae nostri ingenii non erunt] P. S. Gr. p. 413, Roby Gr. II 1282.

l. 21. meditatio] 'practice,' 'rehearsal.' See § 144, II § 47.

l. 22. at]=ἀλλά 'at least,' § 35 l. 20.

CHAPTER XXXII

§ 115, l. 25. quas supra dixi] § 107.

tertia] sc. persona.

l. 26. casus aliqui] as aliquis is substantival, aliqui adjectival, aliquis must not be written with impersonal nouns like *terror* (Tusc. IV 35, V § 62), *dolor* (Tusc. I § 82, ad fam. VII 1, 1). In the case of personal nouns the best edd. vary, e.g. *deus aliqui* (Tusc. I § 23, IV § 35), *deus aliquis* (Lael. § 87, ad fam. XIV 7, 1) *anularius aliqui* (Ac. Pr. II § 86), *magistratus aliquis* (in Verr. IV 146); see Mr Reid's note on Cic. Acad. p. 173.

l. 27. quarta] he discusses the obligations imposed upon us by our own choice of a profession first, § 122.

l. 28. accommodamus] § 70 *qui se ad remp. accommodaverunt.*

l. 29. regna—opes] these words must be taken in pairs, according to a common fashion in Cicero, cp. § 50, 53, 58, 115, 129, II § 37, 83, III § 70.

nobilitates] Zumpt and Orelli read *nobilitates*=varia genera nobilitatis, 'distinctions of rank,' the best MSS. have *nobilitatem, divitias.*

l. 30. in casu sita] 'since they depend upon chance.'

l. 31. gerere quam personam velimus a nostra proficiscitur voluntate] 'it depends upon our own inclination what character we wish to sustain:' subj. of oblique question.

§ 116, l. 33. philosophiam—ius civile—eloquentiam] the three professions to which men of education devoted themselves in Rome.

P. 43, l. 5. Mucius] Q. Mucius P. f. (i.e. *Publii filius,* the Augur of the same name being distinguished by the initials *Q. F.* i.e. *Quinti filius*) Scaevola is instanced by Cicero as an example of a son who excelled in that which had given his father distinction. He was the third of a distinguished family of lawyers, tribune of the plebs B.C. 106 (Brut. § 161), curule aedile B.C. 104 (Verr. IV 59, 133, de off. II § 57, and consul B.C. 95 with L. Crassus (Brut. § 229, § 328, de off. II § 16), proconsul of Asia and pontifex maximus, by which title he is often distinguished from the Augur. He lost his life in the Marian proscription (ep. ad Att. IX 15, 2, de nat. d. III § 80. After the death of the Augur Cicero became his *auditor* (Lael. I § 1), and speaks of him with great admiration as being *iuris peritorum eloquentissimus* (Brut. § 194) and *eloquentium iuris peritissimus* (de or. I § 180). He is referred to again II § 57, § 62, III § 47, § 70. His father Publius, brother of P. Crassus Mucianus, was distinguished for his knowledge of the *ius pontificium* (de orat. I § 244 *ipse ille Mucius, paterni iuris defensor et quasi patrimonii propugnator sui*).

Pauli filius Africanus] P. Cornelius Scipio Aemilianus, son of L. Aemilius Paullus Macedonicus. He was adopted by the son of Scipio Africanus the elder (Brut. § 77, see n. to § 12) at the beginning of the third Punic war (B.C. 150). He is again referred to § 76, § 87, § 90, § 108 and II § 76. Quintilian (XII 10, 39) calls him *in eloquendo velut Atticum Romanorum.*

l. 7. ut hic idem—cumulavit] i.e. ut hic idem fecit qui cumulavit, § 25 l. 30.

l. 8. eloquentia cumulavit bellicam gloriam] i.e. eloquentiae gloria, § 76 l. 9 note. Cp. Brut. § 82 *sed C. Laelius et P. Africanus imprimis eloquentes, quorum extant orationes, ex quibus existimari de ingeniis potest.*

l. 9. Timotheus] de orat. III § 139 *aliisne igitur artibus hunc Dionem instituit Plato, aliis Isocrates clarissimum virum Timotheum Cononis praestantissimi imperatoris filium, summum ipsum imperatorem hominemque doctissimum,* Tusc. V § 100; Pausanias I 29, 14 δεύτεροι μετὰ Μιλτιάδην τε καὶ Κίμωνα οὗτοι πατὴρ καὶ παῖς ἔργα ἀποδειξάμενοι λαμπρά.

l. 10. fuisset] 'had proved himself,' § 84 l. 21.

l. 12. consequantur] i.q. sequantur, de legg. II § 18 *eum morem cum brevitate, si potero, consequar,* Brut. § 287 *tam in ipsa, quam tamen consequitur, concinnitate puerili,* de nat. deor. I § 41 *quem Diogenes Babylonius consequens in eo libro cet.*

l. 13. elaborant] § 3, § 114.

§ 117, l. 16. quos nos esse velimus] i.q. qui et quales esse velimus, § 65. So Plaut. Trinum. II 2, 10 *ego volo me a te exorare. Quos* 'in what grade of life,' *quales,* 'what manner of men,' i.e. in what sort of character and by what pursuits, *quo in genere vitae,* 'in what sort of life,' i.e. whether public or private.

l. 18. ineunte adulescentia cet.] 'it is in the commencement of our

youth' (i.e. simultaneously with the assumption of the *toga virilis*, when the Romans were either introduced into the forum (*in forum deducebantur*) and declared for civilians, or entered the army, or else devoted themselves to agricultural pursuits), just when our feebleness of purpose is greatest, that every one chooses the particular mode of spending his life, which he has taken most fancy to.'

l. 23. **iudicare**] i.e. cum iudicio eligere, q.d. quid optimum esset iudicare idque amplecti. (*Alan.*)

§ **118**. **Nam quod Herculem Prodicus dicit**] for as to the story told of Hercules by Prodicus, his case was different from ours: he was the son of Jupiter, we are but ordinary mortals. On this use of *nam* see n. to II § 47. Some read *Herculem Prodicium* 'the Hercules of Prodicus,' i.e. such as he is represented by Prodicus. So *Hercules Xenophonteus* epist. ad fam. V 12, *Terentianus Phormio* pro Caecin. § 27, *Terentianus Chremes* above § 30, *senex Caecilianus* pro Rosc. Amer. § 46. For notices of Prodicus in ancient writers see my *Onomast. Aristoph.* p. 915 sq. The substance of his lecture as given by Xenophon in the well-known 'Choice of Hercules' was this: "When Hercules, entering upon manhood, was on the point of choosing between virtue and vice, two women appeared to him, the one of dignified beauty, purity, modesty, and discretion, the other of a voluptuous form and meretricious look and dress. The latter promised to lead him by the shortest road, without any toil, to the enjoyment of every pleasure. The other, while she reminded him of his ancestors and his noble nature, did not conceal from him that the gods have granted nothing really beautiful and good without trouble or pain. Hercules decided in favour of virtue. The episode has been paraphrased in English verse by Shenstone, and by Bishop Louth, and there is a prose translation of it in the 'Tatler' No. 97. Allusions to it are frequent in classical writers, e.g. Sil. Ital. Punic. XV 18—127, Lucian Somn. c. 6, Deor. dialog. XX 11, Hermotimus c. 25.

l. 24. **Xenophontem**] Memor. II 1 § 21.

l. 29. **Iovis satu edito**] 'sprung of the seed (*lit.* sowing) of Jupiter.' Heusinger supposes from the use of *satus* that the words are a quotation from some older poet, who affected Greek modes of expression, σπείρειν being often used in the sense of 'to beget.' Comp. Cic. Timae. c. 11 *haec vos, qui deorum satu orti estis, attendite*, ib. *Oceanum Salaciamque Caeli satu Terraeque conceptu generatos editosque*, L. Attius ap. Ribbeck trag. lat. rel. p. 216 *profecto haudquaquam est ortus mediocri satu.*

l. 30. **quos cuique visum est**] sc. imitari.

l. 33. **multitudinis iudicio feruntur**] 'let themselves be carried away by popular opinion.' Nägelsbach lat. Stil. p. 271.

l. 34. **maiori parti**] § 147, II § 37.

exoptant] 'make choice of.'

P. 44, l. 1. **bonitate naturae**] 'from the goodness of their natural disposition,' § 5. Cp. the description in Tusc. III § 2 of the manner in which opinions were formed in Cicero's time: *cum vero accedit eodem quasi maximus quidam magister populus atque omnis undique ad vitia consentiens multitudo, tum plane inficimur opinionum pravitate a naturaque desciscimus.*

l. 2. **sive parentium disciplina**] so the MSS. and most editors: but Heine followed by Lund reads *sine par. disc.*, which, he says, is required by the opposition to *plerumque* l. 31 and *alii* l. 33.

CHAPTER XXXIII

§ **119**, l. 4. **Illud...eorum**] 'The following is the rarest class, namely, that of those &c.' The same combination of ille and is occurs in Verr. V § 156 *quid de illa multitudine dicemus eorum cet.*, de fin. III § 64 *illa vox inhumana et scelerata dicitur eorum, qui negant se recusare quo minus cet. Eorum* is an epexegetic genitive, II § 16 *causis eluvionis*, III § 41: see Madvig de fin. p. 460.

l. 6. **utraque re**] sc. *ingenii magnitudine* and *eruditione atque doctrina*, 'great natural ability,' and 'acquired learning and cultivation.'

l. 8. **ad suam cuiusque naturam—est revocandum**] 'must be determined by,' 'made to conform to each man's natural bias.' On suus cuiusque see n. to § 110 l. 2.

l. 10. **ex eo, quo modo quisque natus est**] i.e. ex propria natura, 'according to his natural individuality of character,' § 110. Observe that the influence of the *nam* extends as far as the clause *cum inmortali natura pugnare videatur* l. 20.

l. 11. **supra**] § 110 and § 117.

l. 12. **ei rei**] sc. *quo modo quisque natus est.*

multo e. e. r. c. maior] observe the unusual separation of *multo* from the adjective which it qualifies. Cp. Verr. II 114 magis *reum condemnatum.*

l. 13. **ut constare in vitae perpetuitate possimus nobismet ipsis**] 'to enable us to preserve an uninterrupted consistency throughout the whole course of our life,' § 71 *parum sibi constent*, 'are not true to themselves.' Observe that ut is here final. *Perpetuitate vitae*=vita perpetua.

l. 14. **nec claudicare**] 'and may not falter (lit. 'halt,' 'go lame') in the performance of any one duty.'

§ **120**, l. 15. **ad hanc autem rationem quoniam cet.**] 'since for reckoning, determining, this the most powerful influence of all is exerted by nature.'

l. 17. **utriusque**] i.e. of natural disposition and outward circumstances (*fortuna*). **omnino**] qualified by *sed*, § 79 l. 6, § 83 l. 6, § 133.

l. 19. **ut f. tamquam ipsa mortalis cum immortali nat. pugnare videatur**] 'so that the struggle between nature and fortune seems to be between a mortal and immortal being,' as though Fortune, instead of being the powerful goddess, were as inferior to Nature as mortal to immortal.

l. 21. **contulerit**] 'has adapted.' *Conferre*=referre, revocare § 119: Nägelsb. l. Stil. p. 294, cp. Verr. V § 77. **non vitiosae**, i.e. quatenus non est vitiosa, § 110 l. 4 'so far as it is undepraved.'

constantiam teneat]=sibi constet.

l. 25. **morum**] 'mode of life,' not 'character.'

l. 27. **pedetemptim**] 'step by step.'

l. 29. **diluere**] The reading dissuere which Zumpt and Orelli adopt was probably suggested by a passage in de amic. § 76 *tales amicitiae sunt remissione usus eluendae et, ut Catonem dicere audivi, dissuendae magis quam discindendae.*

§ **121**, l. 31. **ut id bono consilio fecisse videamur**] 'that people may see we have done so (i.e. *commutavisse genus vitae*) upon mature consideration, we have been well-advised to do so.' Comp. the sense of *videri* § 136 *et vereri et diligere videamur*, § 156 l. 23.

l. 33. ne vitia sint imitanda] we should have expected either *vitia non esse imitanda* or *ne vitia imitemur.*

l. 34. non feret] i.e. *non permittet*, 'will not bear that one should,' i.e. 'will not allow one the opportunity of.' The word is used in much the same sense with *fortuna, res, fatum*, Vergil Aen. II 94 *fors si qua tulisset*, pro Quinct. § 57.

P. 45, l. 1. imitari possit] sc. *is qui imitatur*, so § 101 l. 28 *possit.*

superioris Africani filius] The son of the elder Scipio Africanus, who adopted Scipio Africanus the younger, the son of Aemilius Paulus, § 116 n. Cicero says of him in his Cato mai. § 35 *quam fuit imbecillus P. Africani filius! quam tenui aut nulla potius valetudine! quod ni ita fuisset, alterum ille extitisset lumen civitatis*, Brut. § 77 *is qui hunc minorem Scipionem a Paullo adoptavit, si corpore valuisset, imprimis habitus esset disertus*, Vell. Paterc. I 10 *L. autem Paullo, magnae victoriae compoti, quattuor filii fuere: ex iis duos natu maiores, unum P. Scipioni, P. Africani filio, nihil ex paterna maiestate praeter speciem nominis vigoremque eloquentiae retinenti, in adoptionem dedit; alterum Fabio Maximo.* In the inscription on his tomb we find him spoken of in like manner: *Quei apice insigni dialis flaminis gesistei, Mors perfecit tua ut essent omnia brevia, Honos, fama virtusque, gloria atque ingenium, Quibus sei in longa licuisset tibe utier vita, Facile facteis superases gloriam maiorum.*

l. 2. hunc] because he lived nearer the time of Cicero, 'ours' in opposition to the elder Africanus (III § 66).

l. 3. quam ille fuerat sui] i.e. 'as he (Scipio the elder) was like to his father Publius Scipio' (§ 61).

si igitur] *igitur, itaque, verum, sed, at* (§ 105), *nam* (or. p. Planc. § 98), are used to carry on a sentence interrupted by a parenthesis: Zumpt Gr. § 739.

l. 4. defensitare] the frequentative form = assidue et studiose defendere, 'to defend constantly' as part of his profession, see II § 49.
contionibus tenere] 'to fasten attention by his harangues.'

l. 7. id quod desit] 'his deficiencies in other respects;' that is, those who cannot shew their valour or eloquence before the public may however cover this defect by practising the milder virtues in retirement.

quo minus] = ut eo minus.

l. 10. nefas et vitium] I have retained the MS. reading *vitium* for which Graevius and nearly all subsequent editors have substituted *impium.* Stuerenberg observes 'fugit editores plerosque non Lambinum, *nefas* propter *virtutem, vitium* propter *res gestas* dici necesse esse. Cp. I § 144 *turpe est enim valdeque vitiosum.*'

CHAPTER XXXIV

§ 122, l. 11. officia non eadem—tribuuntur] Alia alii aetati officia conveniunt. *H.*

l. 12. aliaque] see n. to § 22.

l. 14. maiores natu vereri] Heusinger compares Phocylides *v.* 207:—

αἰδεῖσθαι πολιοκροτάφους, εἴκειν δὲ γέρουσιν
ἕδρης καὶ γεράων πάντων· γενέῃ δ' ἀτάλαντον
πρέσβυν ὁμήλικα πατρὸς ἴσαις τιμαῖσι γέραιρε.

and Ovid Fast. V 57:

magna fuit quondam capitis reverentia cani
inque suo pretio ruga senilis erat.

l. 15. exque iis deligere—nitatur] For illustrations of this custom see II § 47, Cic. pro Cael. § 9, epist. XIII 10, 2, Lael. c. 1, Tac. dial. de orat. 34, Plin. ep. VIII 14, Cic. or. Phil. II § 3 with Mayor's n.

l. 16. ineuntis aetatis] i.e. adulescentiae. Nam aetas inire dicitur ab iis annis, quibus pueritia finitur: II c. 13 § 44 *si quis ab ineunte aetate habet causam celebritatis et nominis. H.* Translate: 'the inexperience of youth requires the wisdom of older men to stablish and direct it.'

l. 17. constituenda] i.e. confirmanda et stabilienda. Kritz ad Sall. Iug. 31, 17: *maiores vestri parandi iuris et maiestatis constituendae gratia bis—Aventinum occupavere.*

l. 19. patientia et animi et corporis] 'mental and physical endurance.' Cp. Hor. Od. III 2, Quintil. inst. or. I 2, 6.

eorum] sc. *adulescentium*, implied in *haec aetas*—a frequent form of synesis, so § 147 *in quibus* refers to *pars.* See Madvig on de fin. V § 16 who quotes Acad. II § 103 *ab Academia* (i.e. Academiae novae philosophis) *sensus eripi, a quibus numquam dictum sit*, de orat. I § 256.

l. 21. dare se iucunditati] 'to give themselves up to enjoyment,' a mild expression for *voluptati.*

l. 22. in eius modi quidem rebus] 'in matters of that kind,' i.e. in their ordinary amusements.

§ 123, l. 25. etiam augendae] i.e. non modo non minuendae.

l. 26. consilio et prudentia] 'by their insight and practical experience.'

l. 28. dedat] antea dixerat dare se alicui rei; plus est dedere, quasi totum se tradere. *Z.*

l. 30. sin—accessit] Madvig Opusc. Acad. II p. 282 shews that the reading *accesserit* found in some MSS. and retained by Orelli is grammatically incorrect: for 'ubi agitur de effectu rei praeteritae fieri solitae, coniunctivus perfecti prorsus—excluditur ab hac loquendi ratione quae non hypothetica est sed simpliciter condicionalis.' Cp. § 151 and on *sin autem* see P. S. Gr. p. 476, Madvig Gr. § 442 b, Roby Gr. II 1563. Observe that the condition *si luxuriosi sunt senes* is implied in *luxuria* l. 29.

l. 31. et ipsa dedecus concipit] 'not only commits a disgraceful act, but serves to make the licentiousness of young men more immodest.' Cp. Plato de legg. p. 729 B: *ὁ δὲ ἔμφρων νομοθέτης* will rather advise the elders *αἰσχύνεσθαι τοὺς νέους* and to be especially careful not to be seen or heard by any young man doing or saying anything discreditable, since *ὅπου ἀναισχυντοῦσι γέροντες, ἀνάγκη καὶ νέους ἐνταῦθα εἶναι ἀναιδεστάτους.*

dedecus concipit] cp. Tusc. I § 72 *qui republica violanda fraudes inexpiabiles concepissent*, de leg. III § 32 *non solum vitia concipiunt ipsi sed ea infundunt in civitatem*, or. pro Sull. § 16 *quod flagitium non concepit?* or. in Cat. II § 7 *quid enim mali aut sceleris fingi aut cogitari potest quod non ille conceperit?*

§ 124, l. 32. ac ne illud quidem alienum est—dicere] i.q. *alienum sit si dicam*, 'no more would this be out of place, an irrelevant topic to discuss.' Cp. § 147, Roby Gr. II 1535.

l. 33. de privatorum, de civium] Opponuntur magistratibus privati, cives peregrinis. *H.* Some editors bracket *de civium* as though inserted by some copyist in opp. to peregrinorum, because nothing is said of the duties of citizens in what follows.

P. 46, l. 2. se gerere personam civitatis] 'that he is the representative of the state, and so bound to keep up its high character and

credit, to support its constitution, to dispense to each their rights.' So *iuris aequa discriptio* II § 15, 'the impartial distribution,' 'dispensation of justice.' For the distinction between *ius* and *lex* comp. I § 32, III § 69.

l. 5. aequo et pari cum c. iure] the synonyms serve to strengthen the idea of intercommunion: cp. Vell. Paterc. II 97, 3 *adversus amicos aequa ac par sui aestimatio.*

l. 6. abiectum] 'in a servile, grovelling spirit:' **se efferentem]** 'in a domineering spirit,' 'exalting himself above his fellows,' cp. *elati* § 104.

tum] see n. to § 71 l. 27.

l. 8. sentire] 'to consider,' 'believe,' III § 75 *isque quem sentimus virum bonum,* § 110 *et sentire illa et pati.* Madvig on *de fin.* II § 6 p. 146.

§ 125, l. 8. peregrini] properly 'a foreigner,' who only comes to make a brief stay:' **incolae]** 'one who is domiciled in a state to which he does not belong,' 'a denizen,' 'resident alien,' = Gr. *μέτοικος.*

l. 10. nihil de alio anquirere] i.e. de alius negotio, 'not to pry into the private concerns of others, and by no means to be meddlesome, inquisitive into the secrets of a state, with which they have nothing to do.' *Curiosus* = *πολυπράγμων*, de fin. I § 3 *isti curiosi, quos offendit noster minime nobis iniucundus labor.*

CHAPTER XXXV

§ 126, l. 18. formositate] 'natural beauty and general comeliness:' **ordine]** 'methodical arrangement,' 'well-timing our words and actions:' **ornatu ad actionem apto]** 'adequate external provision for the business in hand.' Cicero treats of *verecundia* c. 35, of *formositas* or *pulchritudo* c. 36 ff., and lastly of *ordo rerum* c. 40 f.

l. 19. difficilibus ad eloquendum cet.] 'difficult to express in words, but it will be enough for our purpose if they are felt;' i.e. more easily felt than expressed, not because of the poverty of the Latin language, but from the nature of the things themselves. Cp. § 94 l. 14, orat. § 184 ad *inveniendum difficilior*, ep. ad fam. X 5, 2 *fructum duplicem mihique in comparatione difficilem* ad *iudicandum*, de off. III § 29 *haec* ad *iudicandum sunt facillima.* See Zumpt Gr. § 671.

in his autem tribus continetur cura—illa ut probemur] 'and since in these three (*formositas, ordo,* and *ornatus ad actionem aptus*) is included also our concern for the good opinion of those with and among whom we live.' On **probemur**, consecutive subj. after definitive *ut*, cp. § 148 l. 23, Roby Gr. II 1700, P. S. Gr. p. 440, Madvig Gr. § 374. The protasis of the sentence extends to *vivamus*, the apodosis lies in the clause *his quoque de rebus.*

l. 20. quibuscum] 'with whom' in reference to personal intercourse, apud quos 'amongst whom' in reference to local union. Tusc. I § 81 *vixit cum Africano,* Hor. Sat. I 4, 80 *est auctor quis denique eorum, vixi cum quibus.*

l. 22. principio] n. § 11.

l. 23. formam nostram reliquamque figuram] Forma est species qua ab aliis discernimur, figura in membrorum situ est. *H.* Cp. Tusc. I § 37 *animos per se ipsos viventes non poterant mente complecti; formam aliquam figuramque (animorum) quaerebant. Forma* appears to be used here of the 'face,' as § 130 *formae dignitas coloris dignitate tuenda est,* § 107 forma *et tamquam facies honesti:* hence Cic. adds *reliqua figura.*

in qua esset species honesta] 'such as have a comely appearance.' For the tense see note to II § 1.

l. 24. eam posuit in promptu] Pronomen redundat ex Ciceronis

more. vide III § 13, § 14. *In promptu* est in aperto, ut in oculos occurrat § 61, § 95. *Z.*

l. 25. ad naturae necessitatem datae] i.e. *quorum usus sunt necessarii*, 'the parts of the body which only serve for necessity' = *τὰ ἀσχήμονα ἡμῶν* St Paul 1 Cor. xii. 23.

l. 26. deformem atque turpem] *Turpis*, being a stronger word than *deformis*, is connected to it by *atque* rather than *et. Deformis* is simply what deviates from *forma* 'the outline of beauty,' hence 'plain:' whereas *turpis* means 'misshapen,' 'ugly,' offensive in a physical and thence in a moral sense: comp. III § 105.

l. 27. contexit atque abdidit] 'has completely covered and put away, concealed from view.'

§ 127, l. 28. imitata est] 'has followed,' 'let itself be led by,' this careful contrivance of nature.

l. 29. verecundia] = *αἰδημοσύνη*, which the Stoics (Stob. p. 106) defined as *ἐπιστήμη εὐλαβητικὴ ὀρθοῦ ψόγου*: its opposite is *petulantia*, 'immodesty.'

l. 33. suis nominibus] 'by their real, proper names,' § 113: ep. ad fam. IX 22, 1 *placet Stoicis suo quamque rem nomine appellare.*

l. 34. modo occulte] sc. *fiat*, 'provided it be done in secret,' cp. § 156 l. 27, II § 51 l. 1.

l. 35. nec orationis obscenitas] sc. *petulantia vacat.*

§ 128, l. 37. Cynici] The chief of whose school was Antisthenes, a pupil of Socrates, and teacher of Diogenes, who was so called after the school in which his lectures were given, *Κυνόσαργες.*

Stoici paene Cynici] Some of the Stoics liked 'to call every object by its proper name' (*suo quamque rem nomine appellare, εὐθυρρημονεῖν*) as Cicero tells us ep. ad fam. IX 22. In fact Stoicism was an offshoot from Cynicism (Zeno was a disciple of Crates the Cynic), and the older Stoics approved of the school. See Diogen. VII 9 *κυνιεῖν τὸν σοφόν*... (*φασι*). *εἶναι γὰρ τὸν κυνισμὸν σύντομον ἐπ' ἀρετὴν ὁδόν*, id. VII § 121 *ἀρέσκει δ' αὐτοῖς* (sc. the Cynics) *καὶ τέλος εἶναι τὸ κατ' ἀρετὴν ζῆν, ὡς Ἀντισθένης φησὶν ἐν τῷ Ἡρακλεῖ ὁμοίως τοῖς Στωικοῖς· ἐπεὶ καὶ κοινωνία τις ταῖς δύο ταύταις αἱρέσεσιν ἐστιν*: so Juv. Sat. XIII 121 speaks of the *Stoica dogmata* as *tunica tantum distantia a Cynicis*, Cic. de fin. III § 68 *Cynicorum rationem atque vitam alii (Stoici) cadere in sapientem dicunt, alii nullo modo.*

si qui fuerunt] Roby Gr. II 1681, P. S. Gr. § 219.

P. 47, l. 1. ea, quae re turpia non sint...illa, quae turpia sint] Roby Gr. II 1680, 1681.

l. 2. ducamus] subjunctive in suboblique causal clause: *nominibus* seems to be a gloss, introduced from the next line.

l. 4. liberis dare operam] sc. procreandis: 'not to let our race become extinct.'

l. 7. ab omni—fugiamus] i.q. *omne fugiamus.* Cp. de nat. deor. III § 33 *omne animal appetit quaedam et fugit a quibusdam,* Ovid Heroid. VIII 110 *fugio, sicut ab hoste, virum,* and below § 145 *ab iis declinandum.*

l. 9. accubitio] sc. epularis, 'reclining at our meals,' so de nat. deor. I § 94 *ingressus, cursus, accubitio, inclinatio, sessio, comprehensio.*

§ 129, l. 11. molle] 'dainty,' opposed to *durum*, 'coarse,' *rusticum* is contrasted with *effeminatum*, an instance of chiasmus.

l. 12. nec vero histrionibus—concedendum est ut cet.] 'nor are

we to admit that, however proper these observances of propriety may be for actors and orators, to us they may be not obligatory, indifferent.' See note on § 114 l. 17, Madvig Gr. § 438. Heine observes that *histrionibus*, the object of the subordinate sentence, is placed by anticipation in the principal sentence, according to the Greek idiom, comparing III § 104, de leg. agr. II § 57 *quae est ista aequitas ceteros, etiam si privati sint, permittere ut publici iudicentur?* Cael. ep. ad fam. VIII 10, 3 *nosti Marcellum, quam tardus sit.*

l. 15. sine subligaculo] 'without drawers.' subligaculum (διάζωμα) was a cloth fastened round the waist, then passed between the thighs and fastened under the fork, to answer the purpose of drawers, like that worn by itinerant tumblers in our own streets. Rich *Comp. to Lat. Dict.* p. 627. Cp. Iuv. Sat. VI 70 *subligar Atti.*

l. 16. adspiciantur non decore] = adspectum non decorum praebeant.

l. 17. parentibus] i.e. patribus. Cp. Plutarch Marc. Cat. c. 20 *τοῦ παιδὸς παρόντος συλλούσασθαι μηδέποτε· καὶ τοῦτο κοινὸν ἔοικε Ῥωμαίων ἔθος εἶναι· καὶ γὰρ πενθεροῖς γαμβροὶ ἐφυλάττοντο συλλούεσθαι δυσωπούμενοι τὴν ἀποκάλυψιν.*

l. 18. retinenda] § 82 l. 2.

CHAPTER XXXVI

§ 130, l. 20. pulchritudinis] Stobaeus defines *κοσμιότης* to be *ἐπιστήμη πρεπουσῶν καὶ ἀπρεπῶν κινήσεων.* Cicero carries the conception further.

l. 21. venustas] 'grace,' that kind of beauty which inspires love: **dignitas**] 'nobleness of mien,' such as inspires awe and respect.

l. 23. removeatur] Cp. Ovid A. A. I 509, III 433 f.:—

> *sint procul a nobis iuvenes, ut femina, compti,*
> *fine coli modico forma virilis amat.*

l. 25. palaestrici motus] 'movements that are taught in the *palaestra*,' a place of exercise where, as Quintilian I xi 16 says, *a palaestritis gestus motusque formantur, ut recta sint bracchia, ne indoctae rusticaeve manus, ne status indecorus, ne qua in proferendis pedibus inscitia, ne caput oculique ab alia corporis inclinatione dissideant.* Hence the word *palaestra* is often used for 'discipline,' 'routine,' as by Cic. orat. § 228 *in quo non motus hic habeat palaestram quandam, ut, quidquid in his rebus fiat utiliter ad pugnam, idem ad adspectum etiam sit venustum.* Sometimes, however, people learned to be affected and foppish in the *palaestra*, and therefore their movements appeared *odiosiores* 'somewhat offensive,' 'disagreeable.'

l. 26. histrionum—gestus] i. e. qualibus utuntur histriones.
ineptiis] 'affectation.'

l. 28. coloris bonitate] 'by the excellence of the complexion.' Paleness, the mark of a sedentary (*umbratilis*) and inactive life, was looked upon as a sign of sloth. Seneca de vit. beat. c. vii *virtus pulverulenta, colorata* ('sunburnt'): *voluptas enervis, pallida.* On the meaning of *forma* see n. to § 126 l. 13.

l. 30. tantum quae fugiat—neglegentiam] 'only just enough to be free from clownish and ill-bred slovenliness.' Tusc. V § 91 *eis apposuit* tantum, *quod satis esset, nullo apparatu,* ib. II § 44 *Epicurus* tantum *monet, quantum intellegit,* cp. de off. § 11 tantum—*quantum,* de leg. II § 6.

§ 131, l. 33. tarditatibus] § 41, § 103.

l. 34. pomparum ferculis] *ferculum* was a car used in solemn processions for carrying enemies' spoils &c. Liv. I 10 (speaking of Romulus) *spolia ducis hostium laesi suspensa fabricato ad id apte ferculo gerens in Capitolium escendit.* It was also used for the display of rich offerings in solemn sacrifices. Cp. Hor. Sat. I 3, 9:

> *nil aequale homini fuit illi; saepe velut qui*
> *currebat fugiens hostem, persaepe velut qui*
> *Iunonis sacra ferret.*

Sallust Cat. 15 *colos exsanguis, foedi oculi, citus modo, modo tardus incessus.*
in festinationibus] 'in cases of hurry.' Plaut. Poen. III 1, 19:—

> *lìberos hominès per Urbem modico magis par ést gradu*
> *íre; servoli ésse duco féstinantem cúrrere.*

P. 48, l. 2. perturbationes] 'violent emotions' § 136 l. 17.
exanimationes] 'fits of dejection,' Germ. 'Muthlosigkeit.' For its ordinary sense see Tusc. IV § 19 *exanimationem (definiunt) metum subsequentem et quasi comitem pavoris.*

§ 132, l. 4. motus animorum] 'the operations of our minds,' § 101.

CHAPTER XXXVII

l. 9. et quoniam magna vis orationis est] Instead of continuing *de hac quoque pauca dicamus*, (as in § 122, § 126) he proceeds at once to describe the difference of the two kinds of speech. Cp. § 153.

l. 10. contentio] 'sustained effort in speaking,' 'oratory,' opposed to *sermo*, 'conversation.' Cp. II § 48, orat. § 64 *oratio philosophorum sermo potius quam oratio dicitur: quamquam enim omnis locutio oratio est, tamen unius oratoris locutio hoc proprio dignata nomine est.* Oratio is either judicial (*iudiciorum*), demonstrative (*contionum*), or deliberative (*senatus*), δικαστικόν, ἐπιδεικτικόν, or συμβουλευτικόν; de Inv. I 5, 7 demonstrativum *est quod tribuitur in alicuius certae personae laudem aut vituperationem;* deliberativum, *quod positum in disceptatione et consultatione civili;* iudiciale *quod positum est in iudicio.* Zumpt refers to Quintilian III 4.

l. 12. circulis] 'knots of people:' **disputationibus**] 'discussions.'

l. 13. contentionis praecepta rhetorum sunt] 'there are rules about oratory by the rhetoricians,' § 43, § 50, § 97, II § 7, Zumpt Gr. § 423 n., Roby Gr. II 1318, Madvig § 283 *obs.* 3, P. S. Gr. p. 421.

l. 14. haud scio an possint esse] fortasse etiam sermonis praecepta tradi possunt. Vide c. XI. *H.* See n. to III § 6 l. 30.

l. 15. sed discentium studiis cet.] 'but where there are scholars to learn, teachers are forthcoming: now there are none who apply to this (the art of conversation) as a study, whereas there are crowds of pupils of the rhetoricians.'

l. 16. rhetorum turba] Horace Sat. II 3, 44 *Chrysippi grex.*

l. 17. quamquam] Zumpt Gr. § 341, P. S. Gr. p. 481, Roby Gr. II 2215. Translate: 'and yet the rules which are given about (the proper arrangement of) words and sentences will apply also to ordinary conversation.' *Verborum* is the genitive of the object § 87 l. 30, above l. 13.

§ 133, l. 19. cum orationis indicem cet.] 'since we have the voice for the expression of, as an exponent, organ of, speech.'

l. 20. sequamur] 'aim at' = *consequi studeamus*, § 3, § 35.

l. 21. utrumque omnino a natura petendum est] 'we must, of

course, look to nature for both,' both are to be traced to nature, as their origin.

omnino—verum] § 83, § 120 l. 17.

l. 22. alterum] sc. *ut clara sit.*

exercitatio] 'practice.' Demosthenes is an eminent instance in point: see Cic. de orat. I § 61, Quintil. XI 3.

presse] 'with a clear, distinct enunciation.' *Presse loqui* is not merely 'to speak concisely,' but to speak without drawling, so as to express the full sound of each letter, not dropping any: de orat. III § 41 *nolo exprimi litteras putidius, nolo obscurari neglegentias; nolo verba exiliter exanimata exire, nolo inflata et quasi anhelata gravius,* § 43 *nemo est quin litteratissimum togatorum omnium Q. Valerium Soranum lenitate vocis atque ipso oris pressu et sono facile vincat:* and § 45 *locutum non aspere, non vaste, non rustice, non hiulce, sed presse et aequaliter et leniter. H.*

l. 23. nihil fuit in Catulis ut] 'there was nothing in the two Catuli to make you think that they had a nice taste in literature, though they certainly were imbued with letters, but so were others also, (i.e. but no more than others were); and yet they were thought to speak Latin with the greatest purity.' *Nihil fuit* (*tale*) *ut* for the more usual nihil—quod: cp. de orat. III § 214 *quid fuit in Gracchо...*quod *me puero tanto opere ferretur,* Ovid Trist. III 4, 21 *quid fuit* ut *tutas agitaret Daedalus alas?* The Catuli, father and son, are mentioned § 76, § 109; cp. Brut. § 133 *fuit igitur in Catulo* (i.e. the elder) *sermo Latinus:—nam de sono vocis et suavitate appellandarum litterarum, quoniam filium cognovisti, noli expectare quid dicam. Quamquam filius quidem non fuit in oratorum numero, sed non deerat ei tamen in sententia dicenda cum prudentia tum elegans quoddam et eruditum orationis genus.*

l. 25. sed et alii] for sed etiam alii erant, § 142 *nam* et *ordinem definiunt.*

l. 26. sonus] 'their pronunciation.' Cp. Quintilian XI 3 § 16 *dulcis esse debet, non exprobrans, sonus;* and § 33 *dilucida erit pronunciatio primum, si verba tota exierint, quorum pars devorari, pars destitui solet, plerisque extremas syllabas non perferentibus, dum priorum sono indulgent. Ut est autem necessaria verborum explanatio, ita omnes imputare et velut adnumerare litteras molestum et odiosum. Nam et vocales frequentissime coeunt, et consonantium quaedam insequente vocali dissimulatur.*

litterae neque expressae neque oppressae] 'their words were neither mouthed nor minced, so as to be without either obscurity or affectation.' *Obscurum* refers to *oppressae, putidum* to *expressae* by the figure chiasmus. See Quintil. I 11, 4 *imprimis vitia si qua sunt oris emendet, ut expressa sint verba, ut suis quaeque litterae sonis enuntientur. Quarundam enim vel exilitate vel pinguedine nimia laboramus, quasdam velut acriores parum efficimus et aliis non dissimilibus sed quasi hebetioribus permutamus.*

l. 28. putidum] *putidus* is literally 'offensive to the smell,' hence 'to the ear,' or 'taste,' ep. ad Att. I 14 *vereor ne putidum sit ad te scribere quam sim occupatus,* where it means 'pedantic,' 'affected.'

sine contentione cet.] 'free from strain, effort, yet neither monotonous, nor too much modulated.' In Brut. 66 § 234 *vox canora* means 'a musical, melodious voice:' its meaning in the present passage may be illustrated by or. § 57 *est etiam in dicendo quidam cantus obscurior, non hic e Phrygia et Caria rhetorum epilogus paene canticum, sed ille, quem significat Demosthenes et Aeschines, cum alter alteri obicit vocis flexiones,* Quintilian inst. or. XI 3, 57 *sed quodcumque ex his vitium magis tulerim, quam, quo nunc maxime laboratur in causis omnibus scholisque, cantandi, quod*

inutilius sit an foedius, nescio. Quid enim minus oratori convenit quam modulatio scaenica et nonnumquam ebriorum aut comissantium licentiae similis. There is a saying of C. Caesar (from Quintilian I 8, 2) to some one who spoke in an effeminate tone of voice, *si cantas, male cantas; si legis, cantas.*

l. 28. uberior] 'more copious.'

l. 29. L. Crassi] § 108 l. 4.

bene loquendi de Catulis opinio non minor] 'the two Catuli were in no less estimation for their excellent speaking,' de off. II § 34 *detracta opinione probitatis,* § 39 *etiam solitario homini—opinio iustitiae necessaria est,* ib. § 32.

l. 30. Caesar] C. Julius L. F. Caesar Strabo, § 108 l. 6. He and the elder Catulus were *fratres uterini,* sons of Popilia, the first of her sex at Rome who was honoured with a public eulogium (de orat. II § 44). See Ellendt proleg. ad Cic. Brut. p. 83.

l. 31. ut illo ipso—vinceret] 'so that by his familiar conversational style he would do more than others could do by their laboured speeches, even in that forensic department of eloquence.'

§ 134, l. 34. ergo] ergo serves to resume the broken thread of the discourse, as *igitur* § 121, *sed* § 105. Cp. Tusc. I § 14, de fin. II § 113, Hand Tursell. II p. 462.

l. 34. Socratici] in quibus Xenophon et Plato. Nam quia Socratici nihil se scire profitebantur, minus quam alii pugnaces et arrogantes erant. *H.*

l. 36. nec vero—excludat alios] 'and again he must not debar others from a share in the conversation.' The subject (*is qui utitur sermone*) is to be inferred from *sermo;* cp. § 121 n. § 151 *mercatura, si satiata quaestu —se in agros contulit.* On the use of *nec* with iussive cp. Hand Turs. IV p. 121.

tamquam in possessionem suam venerit] i.e. in possessionem aliquam suam.

P. 49, l. 1. vicissitudinem] i.e. sua quemque vice uti.

l. 2. non iniquam] κατὰ μείωσιν for *prorsus aequam.*

l. 3. si seriis] i.e. de rebus, § 112 l. 26.

l. 4. inprimisque] II § 82.

l. 6. detrahendi causa] 'by way of detracting from their characters,' de orat. I. § 35 *ne de huius aut arte aut gloria detraham.*

per ridiculum] 'laughingly,' so per *ridiculum* Plaut. Truc. II 2, 8, per *deridiculum* Pseud. IV 5, 7 (1041 ed. Lorenz), per *iocum* ib. 126 (1207), per *ludum et iocum* Cic. Verr. I 60 § 155, per *otium* Liv. IV 58, 12, XXI 28, 4, per *tacitum* Vergil Aen. IX 31. Nägelsb. lat. Stil. p. 68, Zumpt Gr. § 301, Roby Gr. II 1239.

§ 135, l. 9. de re publica] 'about politics.'

l. 11. oratio] the more general term is here substituted for *sermo,* without however any change of meaning.

utcumque aderunt] i.e. *delectu rerum habito prout aderunt homines,* 'according to the company present,' de div. II § 89 *perinde, utcumque temperatus sit aër, ita pueros orientes animari atque formari.* Cp. Plaut. Poen. III 5, 9 *utcumque est ventus, exin velum vortitur.*

l. 12. isdem de rebus—delectamur] There is an ellipse of colloquendo or some equivalent, as delectari de aliqua re is not good Latin. So ep. ad frat. II 13, 4 *me magis* de Dionysio delectat does not mean 'I am more pleased about Dionysius,' but 'I am more pleased with the book about D.,' liber de Dionysio scriptus, Hand Tursell. II p. 213.

CHAPTER XXXVIII

§ 136, l. 17. id est, motus animi cet.] Such was the definition given by the Stoics of the passions: Diog. Laert. VII 110 *ἔστι δὲ αὐτὸ τὸ πάθος κατὰ Ζήνωνα ἡ ἄλογος καὶ παρὰ φύσιν ψυχῆς κίνησις ἢ ὁρμὴ πλεονάζουσα.*

l. 19. existat] 'shew itself,' 'be prominent.'

l. 22. vereri et diligere videamur] 'may be seen to respect and esteem.' For the meaning of *videamur* see § 121 l. 31 n.

l. 24. incidunt] 'fall out,' 'occur,' § 31 l. 24 *incidunt saepe tempora*, § 152 l. 4.

l. 25. id agendum etiam ut cet.] Zumpt Gr. § 614, Madv. Gr. § 372 a, Roby Gr. II 1648. Translate: 'we must even aim at being thought to do so angrily,' i.e. we should assume the appearance of anger, but avoid its reality.

ea facere] i.e. *uti vocis contentione maiore et verborum gravitate acriore*, § 4 n. Cp. Tusc. IV § 55 *oratorem vero irasci minime decet, simulare non dedecet. An tibi irasci tum videmur, cum quid in causis acrius et vehementius dicimus?—Aguntur ista praeclare—, sed aguntur leniter et mente tranquilla*, Seneca de ira II 14 *numquam itaque iracundia admittenda est, aliquando simulanda, si segnes audientium animi concitandi sunt.*

l. 26. ut ad urendum et secandum cet.] 'as we have recourse to cauterization and amputation,' the painful operations in surgery. Cp. Aeschylus Agam. 849 *ἤτοι κέαντες ἢ τεμόντες εὐφρόνως*, Philipp. VIII § 15 *in corpore si quid eiusmodi est, quod reliquo corpori noceat, id uri secarique patimur.*

l. 27. raro invitique] § 27 l. 18.

l. 29. sed tamen] sc. quamvis videamur irati.

ira procul absit] [Cp. Seneca de ira I. 15 *Corrigendus qui peccat—meliorque faciendus tam sibi quam aliis non sine castigatione sed sine ira...... Nil minus quam irasci punientem decet, cum eo magis ad emendationem poena proficiat si iudicio lata est. Inde est, quod Socrates servo ait 'Caederem te nisi irascerer.'* J. E. B. M.]

cum qua] P. S. Gr. p. 339, below § 137 l. 2.

§ 137, l. 30. magnam partem] i.q. magna ex parte, plerumque 'in great measure,' 'in most cases.' Tusc. IV § 9 *Chrysippus et Stoici ...magnam partem in his partiendis et definiendis occupati sunt.*

l. 31. clementi castigatione] 'mild reproof,' § 88.

gravitate tamen adiuncta] 'combined, however, with earnestness.'

severitas adhibeatur] § 88 l. 15.

l. 32. contumelia] 'insolence,' 'violent language,' § 88, *omnis animadversio et castigatio contumelia vacare debet*, de am. § 89 *omni in re habenda ratio et diligentia est ut...obiurgatio contumelia careat.*

repellatur] =removeatur: cp. *iracundiam pellere* § 50 l. 2.

l. 33. illud ipsum] The grammatical order is *illud ipsum acerbitatis, quod habet obiurgatio*, 'as regards even the bitterness, which our censure carries with it.' For *quod* with genitive cp. § 19 *quod operae curaeque*, P. S. Gr. p. 419, Madvig Gr. § 285 b.

l. 34. id] cp. § 126 l. 24.

P. 50, l. 1. gravitatem retinere] § 82 l. 2, § 129 l. 18.

l. 2. cum aliqua perturbatione] 'under some degree of excitement.' Zumpt Gr. § 472, so § 136 l. 29 *ira, cum qua nihil recte fieri potest.*

l. 4. iis qui adsunt] 'bystanders,' § 135 l. 11.

l. 5. de se ipsum praedicare] The indefinite object case (aliquem) being understood, as Cic. ep. ad Att. II 17 *bellum est sua vitia nôsse*, P. S. Gr. p. 286, Zumpt Gr. § 696, cp. § 139 l. 23, II § 64, III § 21, § 23, § 25, de orat. I § 30, § 116, § 173, II § 86.

l. 6. militem gloriosum] sc. comicorum, the 'braggart Captain,' a favourite character in the new Attic Comedy and in the Roman *fabula palliata*, like that of Pyrgopolinices in the play of Plautus so called and that of Thraso in the Eunuchus of Terence.

CHAPTER XXXIX

§ 138, l. 7. omnia] 'all particulars bearing on the subject in hand,' i.e. duty and propriety.

volumus] sc. *persequi*. On *quidem certe* see n. § 140 l. 2.

l. 9. honorati] i.e. honoribus affecti, 'one who has filled or is filling a state office,' 'a man of rank and station.'

placeat] 'it is our opinion,' § 22, § 153, Tusc. I § 19 *aliis nec cor ipsum placet nec cerebri quandam partem esse animum.* The opinions of philosophers are called *placita*.

l. 10. finis] 'aim,' 'end,' 'object,' de inv. I § 6 *officium autem eius (oratoriae) facultatis videtur esse, dicere apposite ad persuasionem, finis persuadere dictione*, de or. I § 188 *sit ergo in iure civili finis hic, legitimae atque usitatae—aequabilitatis conservatio.*

l. 11. aedificandi descriptio] 'the plan of the building.' So *descriptio officii*, § 102.

adhibenda—diligentia] i.q. *diligens ratio est habenda.* Cp. Top. I § 5, de fin. IV § 68 *diligentia rei familiaris*, Madvig Gr. § 283, de am. § 89 quoted above § 137 l. 32.

l. 13. Cn. Octavio] Philipp. IX 2, 4 *Cn. Octavii, clari et magni viri, qui primus in eam familiam, quae postea viris fortissimis floruit—attulit consulatum* (B.C. 165), *statuam videmus in rostris. Nam cum esset missus a senatu—, Laudiceae in gymnasio a quodam Leptine est interfectus.* As *praetor* and *praefectus classi* he triumphed over king Perseus, B.C. 168. He was brother to Octavianus, the great grandfather of Octavianus Augustus, Sueton. Aug. c. 2.

l. 14. in Palatio] The *Palatium* was the most fashionable part of Rome for the residences of the aristocracy. It included only a part of the Palatine Hill.

l. 15. suffragata domino...putabatur] 'was thought to have assisted the pretensions of its owner, as he was the first of his family to bear curule office, towards getting the consulship.' *Suffragor*, 'to vote for' (properly making use of a broken piece of tile [*sub-frango*], like *ὀστρακισμὸς* from *ὄστρακον*), hence generally 'to assist,' 'to be of use to.'

l. 16. novo homini] i.e. a man *per se cognitus, nulla commendatione maiorum* (Cat. I § 28, Brut. § 56, de orat. I § 117, pro Mur. § 16). Not but that the Octavian family was an ancient one, only none of them had risen to distinction as public men.

Scaurus] M. Aemilius Scaurus, son of the *princeps senatus* (§ 76), stepson of Sulla by Metella, who after having performed the duties of aedile with unusual magnificence (B.C. 58) attained the praetorship, but on putting up for the consulship (B.C. 54) was accused of extortion and bribery (*repetundarum*), and defended by Cicero in a speech, part of which was recently discovered in the Ambrosian Library at Milan, and

edited by Cardinal Mai. Two years afterwards he was a second time impeached and banished (Appian bel. civ. II 24), which explains *ignominia* and *calamitas*. He is again mentioned in II § 57.

l. 17. **hanc—accessionem adiunxit aedibus**] 'this he pulled down and built on its site an appendage to his own house.' See Pliny N.H. XXXVI c. 15, who gives a description of his mansion. Asconius *ad Cic. p. Scauro* tells us that Scaurus' house was in that part of the Palatine which was reached by going down the *Via Sacra* and proceeding by the nearest lane to the left. It appears to have been the same as that which had once belonged to the orator Crassus, famous for its beautiful lotos trees and for its *atrium* adorned with four columns of marble of Hymettus, which were replaced in the time of Scaurus by marble columns of a much larger size. An adjoining house, built by Cn. Octavius, was pulled down by Scaurus and the space added to his own mansion. It was probably the same house which was purchased by P. Clodius from Scaurus a few months before his death, and for which he gave 14,800,000 sesterces. The palace of Scaurus was at a later date in the possession of C. Caecina Largus, consul with the emperor Claudius A.D. 42, who in Pliny's youth used to take a pride in showing the lotos-trees of Crassus.' Nichols' *Roman Forum*, p. 283 foll.

l. 18. **primus**] sc. ex familia sua.

l. 19. **multiplicatam**] i.q. amplificatam, auctam, 'enlarged' by the addition of the space occupied by Octavius's house.

repulsam] § 71. See note to l. 16 above and cp. Val. Max. VIII 1, 10.

§ **139**, l. 20. **enim**] 'the truth is,' *nec id mirum* or some equivalent phrase must be supplied. Hand Tursell. II p. 388.

l. 22. **domino domus honestanda est**] P. S. Gr. p. 390. Zumpt takes *domino* for abl. = per dominum.

l. 23. **ratio sua**] i.q. sui, the possessive pronoun instead of the objective genitive, as III § 70 *fides tua*, ad fam. XVI 12, 3 *ad consulatus petitionem se venturum, neque se iam velle absente se rationem haberi suam*, Verr. V 68 *tua fiducia* for *fiducia tui*. Zumpt Gr. § 424, Madvig Gr. § 297 b, *obs.* 1, P. S. Gr. p. 410 and p. 286. Similarly other adjectives are used, as pro Cluent. § 77 *invidia* senatoria, Tusc. IV § 71 muliebres *amores*.

l. 25. **adhibenda est cura laxitatis**] 'we must take care that it be roomy,' § 138 l. 11. Cp. pro dom. § 116 *facile ut omnium domos et laxitate et dignitate superaret*.

l. 26. **aliter**] i.q. alioqui, 'under other circumstances,' i.e. if there be no such concourse of clients. Cp. II § 42 *ius semper est quaesitum aequabile, neque enim aliter esset ius*, ibid. *aliter iustitia non esset*, III § 17 l. 9, Lael. § 74 *aliter amicitiae stabiles permanere non possunt*.

dedecori—domino fit] 'is a disgrace to its owner,' the predicative dative of purpose, P. S. Gr. § 142, Madvig Gr. § 249, Roby Gr. II pref. p. xxv.—lvi, § 1158—1162.

l. 27. **solitudo**] 'an air of loneliness,' there being no throng of guests and clients. Cp. Vergil Georg. II 461 f.

si non ingentem foribus domus alta superbis
mane salutantum totis vomit aedibus undam.

alio domino] abl. abs. 'when some one else was owner.' Zumpt Gr. § 644, Madvig Gr. § 277, P. S. Gr. § 161.

solita est frequentari] 'it used to be crowded,' 'thronged.'

l. 28. **odiosum est**] sc. dici.

l. 30. **O domus antiqua cet.**] The same lines (a quotation from some unknown poet) are applied by Cicero to Antonius' occupation of the house of Pompey, given him by Caesar, Philipp. II § 104 *O tecta ipsa misera, quam dispari domino! quamquam quomodo iste dominus? sed tamen quam ab dispari tenebantur! Dominare = dominaris* is used passively by Nigidius in Priscian VIII 793, *ut curari et dominari possit*, and by Lactantius de mort. persec. c. 16, 7: *hic est vetus triumphus, cum dominatores dominantur*, de vit. beat. VII 15, 5, Irenaeus haer. V, 9 f. 412.

l. 32. **in multis**] sc. *domibus* 'in the case of many (houses),' § 28, § 46, II § 37 l. 13 *in illo*. A reflexion upon some of Caesar's party, who possessed the houses of Pompey's friends.

§ **140**, l. 33. **extra modum prodeas**] i.q. modum excedas. 'In extravagance of this kind,' continues Cicero, 'there is a good deal of mischief done, if only in the example set,' for others are eager to erect splendid houses, when one has been built in their neighbourhood.

l. 36. **in hanc partem**] sc. in malam partem. *H.*

Luculli] L. Licinius L. F. L. N. Lucullus Ponticus, the conqueror of Mithridates, consul with Aurelius Cotta B.C. 74 (pro Cluent. § 137). *Eius res adversus Mithridatem gestae tantae extiterunt, ut neque maius bellum commemorari possit neque maiore consilio et virtute gestum*, pro Mur. § 33 *L. Lucullus magnis rebus gestis a bello Mithridatico discessit*, pro leg. Man. § 5, § 10, § 20, cp. Ac. II 1, 1, pro Sestio, § 58, pro Archia § 21, de imp. Pomp. § 20. The magnificence of his villas at Tusculum (de fin. III 7), Misenum (Plutarch Marius c. XXXIV, Varro R. R. III 17, 9), is spoken of in de leg. III § 30, de fin. II § 107 *signum, tabula, locus amoenus, ludi, venatio, villa Luculli—ea quae dixi ad corpusne refers?* Varro R. R. I 13 *cum Metelli ac Luculli villis pessimo publico aedificatis certant*, Plin. N. H. IX c. 54 who says that Pompey called him for this reason *Xerxes togatus* ('the Roman Xerxes'), Phaedr. fab. II 5, 9.

P. 51, l. 1. virtutem quis? at quam multi v. m. sunt imitati] 'in coordinate propositions the verb is often to be supplied in the preceding from the following,' Madv. Gr. § 478: cp. III § 13 l. 3, p. 101, Tusc. disp. I § 38, *credo equidem etiam alios tot saeculis* (sc. dixisse), *sed, quod litteris extet, Pherecydes primus dixit cet.*

l. 2. **quarum quidem certe adhibendus cet.**] *quidem* belongs to the relative, *certe* to the verb. These two particles are often found combined in Cicero, bringing a new point into prominence, as above, § 138, de sen. § 6 *volumus quidem certe senes fieri*, Tusc. V § 21 *quam bene, non quaeritur; constanter quidem certe* (sc. *locutus est*), V § 60 *huic quidem certe vitam tuam committis*, ad fam. IV 14 *opera et consilio, studio quidem certe*. When *certe quidem* are found in that order, *quidem* increases the force of *certe*, as Tusc. I § 70 *certe quidem in te est* (*mens*).

l. 3. **ad mediocritatem revocandus**] 'must be reduced to a moderate standard,' III § 84.

l. 4. **usum cultumque vitae**] 'the habits and appliances of life,' convivia et supellectilem vestitumque. *Z.*

§ **141.** Cicero has already given rules for general conduct § 29, which he here repeats, adding the substance of § 126 on decorum of manner.

l. 7. **ut appetitus rationi pareat**] ne quid stulte suscipias ea appetendo quae vel numquam assequare vel cum dedecore et damno coniuncta habeas. *H.* Cp. § 132.

l. 11. tertium est, ut] P. S. Gr. p. 440, Madvig Gr. § 374: cp. § 66 l. 32 *altera est res ut cet.*

l. 12. caveamus ut]=curemus ut, § 73 caveat *ut habeat.* Zumpt Gr. § 534. So de fin. II § 31 *tantum dico, magis fuisse vestrum agere Epicuri diem natalem, quam illius testamento cavere ut ageretur.*

liberalem speciem] 'gentlemanlike appearance,' § 96.

l. 13. moderata sint. Modus autem est optimus cet.] 'be limited by proper rules. Now the best rule to observe is to maintain what is strictly becoming (neither more nor less) and not to go beyond it.'

CHAPTER XL

§ 142, l. 16. deinceps] § 42.

l. 17. haec autem cet.] now these two (ordo and opportunitas) are comprehended under that science, which the Greeks call *εὐταξία*, not in its sense of 'self-control' *modestia*, but in that of 'correct behaviour,' propriety of our actions in regard to time and place. Tacitus, hist. II 5, employs the word dispositum to express the same notion, and similarly Pliny epist. III 1 speaks of *dispositam vitam.*

l. 19. hanc] by attraction for *hac.*

l. 21. ut eandem nos 'modestiam' appellemus] 'to call it also *modestia.*' P. S. Gr. p. 468. Cicero means that there is no Latin word which will exactly render the Greek *εὐταξία*: *modestia* (Gr. *μετριότης*) involves properly the notion of 'moderation' (*modus* Gr. *μέτρον*), he takes a liberty therefore in using it in another sense, as equivalent to the Greek *εὐταξία.* According to the Stoics it is the knowledge of ranging under their proper heads all that we have to say or to do; thus the meaning of the words order (or regularity) and arrangement (or method) appears to be identical: for order also is defined by them to be the disposing of things in their proper and suitable places. Now the place of an action is with them its fitness as to time, and the fitting time for an action is called in Greek *εὐκαιρία*, in Latin *occasio*, 'season,' so that *modestia* here (in the sense of the word which is now given it) is to be understood as the art of well-timing whatever we do. The Stoics defined *εὐταξία* (Stobaeus II p. 106) as *ἐπιστήμη τοῦ πότε πρακτέον καὶ τί μετὰ τι καὶ καθόλου τῆς τάξεως τῶν πραγμάτων.* The word is also applied to the harmony of the individual soul, as when *σωφροσύνη* is defined to be *εὐαρμοστία καὶ εὐταξία ψυχῆς πρὸς τὰς κατὰ φύσιν ἡδονὰς καὶ λύπας.*

l. 25. collocationis] 'right placing.' Andron. *περὶ παθῶν· εὐταξία ἐμπειρία καταχωρισμοῦ πράξεως.*

nam et] *et* for *etiam*, § 133 *sed et alii*, Madvig Excurs. I ad de fin. p. 80 A.

l. 28. εὐκαιρία] Plato's Def. p. 413 C *εὐκαιρία, χρόνου ἐπίτευξις ἐν ᾧ χρὴ ἕκαστον ἐπιτήδειον παθεῖν ἢ ποιῆσαι*: a knowledge of this is the virtue which he defines as *εὐταξία ψυχῆς. ἕξις καθ' ἣν ὁ ἔχων αἱρετικός ἐστι καὶ εὐλαβητικὸς ὧν χρή* (p. 412 A). The opposite of *εὐκαιρία* is *ἀκαιρία* 'unseasonableness,' the doing the wrong thing at the wrong time; concerning which see Theophrastus 12. With *opportunitatem temporis* supply *agendi.*

l. 29. occasio] does not cover the whole meaning of *εὐκαιρία*: in the de invent. I § 40 it is defined as *pars temporis habens in se alicuius rei idoneam faciendi aut non faciendi opportunitatem.*

§ 143, l. 31. prudentiae] *φρόνησις* is *ἐπιστήμη ὧν ποιητέον καὶ οὐ ποιητέον.* Subordinate to this is *εὐβουλία*, or *ἐπιστήμη τοῦ ποῖα καὶ πῶς πράττοντες πράξομεν συμφερόντως.* Prudentia bids us regard time and circumstance, in so far as this is necessary for the attainment of moral ends, *εὐταξία*, in so far as our outward circumstances and the good opinion of our fellow-men are concerned. Cicero indicates the difference between *εὐταξία* and *prudentia* in the words: *quae pertinent ad verecundiam et ad eorum approbationem quibuscum vivimus.*

l. 32. principio] ch. 6.

moderatione] 'self-control,' before called *modestia.*

l. 34. quae erant—propria] i.q. quae propria esse demonstravimus. Cp. II § 36 *erat igitur ex tribus.* A common use of the imperfect in Greek, e.g. Plato Crito 47 D *ᾧ εἰ μὴ ἀκολουθήσομεν, διαφθεροῦμεν ἐκεῖνο καὶ λωβησόμεθα ὃ τῷ δικαίῳ βέλτιον ἐγίγνετο, τῷ δὲ ἀδίκῳ ἀπώλλυτο.*

l. 35. quae autem harum virtutum] sc. propria sunt.

de quibus iam diu loquimur] 'of which I have been long speaking.' P. S. Gr. p. 333 *d.*

P. 52, § 144, l. 4. oratione constanti] quae secum per omnia consentit: in qua rerum, verborum et vocis est aequalitas. *H.* 'in a coherent, well connected speech.' Cp. for the sentiment Senec. ep. I 20, 2 *ipsa inter se vita* (*unius*) *sine actionum dissensione coloris sit. Unam semel, ad quam vivas, regulam prende et ad hanc omnem vitam tuam exaequa*, Plin. ep. III 1 *me, ut certus siderum cursus, ita vita hominum disposita delectat.*

apta inter se] 'in mutual agreement and unison,' § 61.

l. 5. turpe enim] 'for it is unbecoming and highly blameable, when upon a serious subject, to allow the introduction of such stories as are proper for a feast, or any sort of conversation at all loose.' For the force of inferre see Nägelsbach lat. Stil. p. 270.

l. 6. convivio digna] de or. II § 252 *obscenitas non solum non foro digna sed ne convivio quidem liberorum.* Orelli reads with one MS. *convivii dicta* i.q. *dicteria* '*bon mots.*'

delicatum] 'lascivious,' 'indecent,' § 106 l. 25.

l. 7. bene Pericles] sc. dixit, § 84.

l. 8. in praetura] The *στρατηγία* (*praetor* is the Latin rendering of *στρατηγός*), which brought Pericles and Sophocles together, was on occasion of the war against Samos (B.C. 440), mentioned in Thucyd. I 114, Diod. Sic. XII 7.

l. 9. de communi officio] sc. consultaturi, § 135 l. 12.

l. 11. at enim] 'but no! for.' An elliptical expression similar to the Greek *ἀλλὰ γὰρ* to express the objection, and the reason for such objection, in one and the same clause, cp. III § 79, Hand Tursellinus I p. 444, 5. On the form of the vocatives *Pericle, Sophocle*, see Zumpt Gr. § 72.

l. 13. atque—idem] 'whereas, on the other hand.' Hand Tursell. I p. 491 observes on this passage: "Beierus adversativam agnoscit vim in atque...Sed in hac oratione contrarium quod esse videatur, cum antecedentibus comparatur, sicuti nos dicimus '*wenn so auf den andern Seite*' vel '*wenn so dagegen.*'"

in athletarum probatione] 'in a trial of athletes,' Gr. *δοκιμασία.* Varro R. R. I 20 *igitur de omnibus quadrupedibus prima est probatio, qui idonei sint boves qui arandi causa emuntur.*

l. 15. ut] 'as for instance,' 31 l. 27, 59 l. 19, Madvig Gr. § 444 *obs.* 5.
siqui] for *si quis*, § 52, Zumpt Gr. § 136.

l. 16. meditetur] meditari is 'to practise and prepare oneself for any action, mental or bodily,' not simply 'to think attentively;' thus meditatio campestris, is 'military exercise.' It is most frequently, however, used of 'practice in declaiming;' Cic. de or. I 260 *perfecit* (Demosthenes) *meditando, ut nemo planius esse locutus putaretur*, de off. II § 47 *quod etiam tum poterat cum laude meditari.* Hence Quintilian IV 2, 29 speaks of *declamatio* as *forensium actionum meditatio.* For the use of the present subjunctive see Zumpt § 514.

l. 18. inhumanus] 'uncivilised,' 'ill-bred.' *Humanitas* denotes 'culture,' 'education.' Hence 'humanity' is the term frequently applied to classical literature, as in the Scotch Universities, 'Professor of Humanity.'
inscitia temporis] i.e. because he does not know what external circumstances make necessary.

§ 145, l. 20. in foro cantet] III § 75.
l. 21. apparet—desiderat] the verbs are made to agree not with their proper subject *ea*, but with that of the nearest clause by attraction, P. S. Gr. p. 364. Cp. Tusc. II § 30 *nec malum ullum, ne si in unum quidem locum collata omnia sint, cum turpitudinis malo comparanda*, Sall. Cat. 25, 3 *ei cariora semper omnia quam decus et pudicitia fuit.*

l. 23. ab iis declinandum] § 128 l. 7 *ab omni—fugiamus.*

l. 25. quamvis paulum discrepent] 'however slightly out of tune,' Gr. πλημμελῶσι.
a sciente] 'by an expert.' The use of the present active participle as a substantive is rare, except in certain words, e.g. amans, sapiens, adulescens. Nägelsbach lat. Stil. p. 91 cites examples, Sen. de ira I, 4 *quo distet ira ab iracundia, apparet; quo ebrius ab ebrioso ut timens a timido*, Quintil. VIII 3, 52 *qua maxime deprehenditur carens arte oratoria*, Sen. ep. VIII 71, 30 *hoc loco vitium nostrum est, qui idem a sapiente exigimus et a proficiente*, Cic. de orat. I § 116 *adest—nemo quin acutius—vitia in dicente quam recta videat*, de off. II § 11 l. 23 *ratione utentia.*

l. 26. videndum est] i.q. cavendum est, § 42, § 68.

l. 27. vel] 'or, properly speaking.' Nägelsbach lat. Stil. p. 231, ep. ad Att. XI 9, 3 *quos sustinere vix possum* vel *plane nullo modo possum.*

l. 28. concentus] Hor. Ep. I 15, 31 *nunc age, quid nostrum concentum dividat audi.*

CHAPTER XLI

§ 146, l. 28. ut in fidibus] cp. Paradox. III 26 *histrio si paullum se movit extra numerum, aut si versus pronuntiatus est syllaba una brevior aut longior, exsibilatur, exploditur: in vita tu quae omni gestu moderatior, omni versu aptior esse debet, in syllaba te peccasse dices?*

l. 29. vel minima sentiunt] 'detect the very slightest errors.'

l. 31. superciliorum aut remissione aut contractione] Quintil. XI 3, 79 *ira enim contractis, tristitia deductis, hilaritas remissis (superciliis) ostenditur.* Translate: 'from a glance of the eyes, from the unbending or bending of the brow, from an air of dejection or look of cheerfulness, from laughter, from the tone of words, silence, the raising or lowering of the voice, and the like, we may easily form a judgment, which of our actions is proper, which jars with duty and nature. And, in this case, it is no bad plan to judge of the nature of each action from looking at others, that so we may ourselves avoid whatever is unbecoming in them.' Cp. the advice given by a father to his son in Terence Adelphi III 60:

> *inspicere, tanquam in speculum, in vitas omnium*
> *iubeo, atque ex aliis sumere exemplum sibi.*

l. 34. eorum] i.e. of the *magna* l. 30 quae fieri videmus.

P. 53, l. 1. ab officio] sc. a decoro.
l. 3. ex aliis iudicare] Ter. Eun. I 2, 118 ex *aliarum ingeniis nunc me* iudicet.
l. 5. nescio quomodo] Est haec formula, quamquam etiam in re bona usurpatur, saepius tamen quasi dolentis et non sine suspiratione quadam ferentis, quidquid corrigere nefas, frequentaturque de iis, quae odiosa aut molesta sunt, quae aliter ut se habeant, optabile est; ut fere i. valeat q. secius quam fieri debet, temere, inconsulto. Vide § 61, de orat. I c. 17, pro Sest. § 100, Planc. c. 34, ep. ad fam. V 9, 4, ad Att. X 14 de consolatione ex libris: *id quidem domi est; sed nescio quomodo* (i.e. pro dolor!), *imbecillior est medecina quam morbus*, Acad. II § 9, Fin. II § 44, V § 77. BEIER. Cp. Kühner n. Tusc. I § 24, Nägelsb. lat. Stil. p. 234. Cp. Gr. οὐκ οἶδ' ὅπως.
magis in aliis] So Seneca de ira II 288, *aliena vitia in oculis habemus, a tergo nostra sunt*, Horat. Sat. I 3, 25, Phaedrus fab. IV 9, Persius Sat. IV 23:

> *ut nemo in sese temptat descendere, nemo,*
> *sed praecedenti spectatur mantica tergo.*

l. 7. imitantur] 'mimic.'

l. 8. ad ea eligenda] is a shortened expression for *ad eligendum ex iis*, or *ad ea diiudicanda.*

§ 147, l. 9. adhibere] sc. *in consilium*, 'to consult,' II § 82.

l. 10. de quoque officii genere] de quo cum maxime agitur. Cf. de vi pronominis *quisque* Gramm. § 710. *Z.*
l. 11. maior enim pars cet.] We cannot do wrong in consulting others; for the opinion of the majority is generally the voice of nature. On *maior pars* see § 118, II § 37.
l. 12. deferri] § 105 l. 10.
in quibus] sc. hominibus, implied in *maior pars*, § 122 l. 19.
l. 13. non modo quid quisque loquatur cet.] 'not only men's language, but their real sentiments, and the grounds for those sentiments. For many hold language which is not agreeable to their real feelings.' Again, it is not enough to prove their sentiments, but we must ascertain whether these are themselves well-founded.
l. 15. pictores] Cicero is thinking of the story of Apelles told by Pliny N. H. XXXV § 36 *idem perfecta opera proponebat in pergula transeuntibus atque ipse post tabulam latens vitia, quae notarentur, auscultabat volgum diligentiorem iudicem quam se praeferens.* Horace gives the same advice to poets A. P. 420 ff.
ii qui signa fabricantur] i.q. statuarii, de nat. d. I § 81, Nägel. lat. Stil. p. 108.
l. 16. poetae suum quisque opus—considerari vult] The predicate is here regulated according to the apposition: cp. Brut. § 204 *istis, cum summi essent oratores, duae res maxumae, altera alteri defuit*, Madvig Gr. § 217 obs. 1. Cp. de fin. V § 72 *hinc* ceteri *particulas arripere conati suam quisque videri voluit afferre sententiam*, Liv. VII 33, 12 *hoc spectaculo accensi—ante se quisque—proelium ciet.* [For the sentiment cp. Martial Epigr. IX 82 *lector et auditor nostros probat, Aucte,*

libellos: | sed quidam exactos esse poëta negat: | non nimium curo: nam caenae fercula nostrae | malim convivis quam placuisse coquis. J. E. B. M.]

§ 148, l. 21. agentur] pro *aguntur*. Ita in praeceptis loqui solet Cicero, hoc ipso capite (§ 149, l. 34) *cedere iis qui magistratum habebunt.* Supra § 35 *ii qui armis positis ad imperatorum fidem confugient...recipiendi sunt:* infra § 151 *illinc assumes, quae ad hunc locum pertinebunt. H.*

institutisque civilibus] 'the institutions of particular communities,' quibus *non eadem omnibus sunt honesta atque turpia*, ut ait Corn. Nep. praef. *H.*

l. 23. hoc errore ut—arbitretur] 'the error of supposing,' Roby Gr. II 1700, Madvig Gr. § 374.

l. 24. Aristippus] the founder of the Cyrenaic School. See n. to III § 116. 'We are not,' says Cicero, 'to imitate the peculiarities of great men; for it was upon the strength of great and superhuman endowments that they acquired their special privilege.' *Aut* loses its disjunctive force in a negative clause.

l. 27. Cynicorum] § 128. The Cynics held that the quality of an action could not be altered by time or place, and therefore regarded modesty as weak and criminal.

tota est eicienda] 'must be absolutely scouted.' The word *eicere*, like *explodere*, with which it is sometimes found combined, is used of hooting actors off the stage, de fin. V § 23 *iam explosae* eiectaeque *sententiae Pyrrhonis Aristonis Herilli*, de orat. III § 196 *fit in vocibus, ut a multitudine—non modo catervae atque concentus sed etiam sibi singuli discrepantes eiciantur*, Tusc. I § 42.

§ 149, l. 31. bene de republica sentientes] 'as true patriots, who have rendered or are now rendering service to their country, we ought to honour and esteem them as much as if they were invested with some state office or military command.'

l. 32. sic ut aliquo honore aut imperio affectos] 'just as much as if they were honoured with some special civil or military preferment.'

l. 33. tribuere multum] 'to pay great deference to,' § 78 l. 33.

l. 34. cedere] i.e. cedere loco, 'to give place to,' παραχωρεῖν.

habebunt] § 148 l. 21. **habere dilectum**] i.q. discernere, 'to make a distinction between them,' in our treatment of them.

l. 35. in] 'in the case of,' § 46, 61.

P. 54, l. 1. ad summam] i. q. denique 'in short,' Hor. Ep. I 1, 106. Cicero never uses *in summa*, the phrase employed by Pliny.

ne agam de singulis] 'not to deal with particulars,' a parenthetical final clause, P. S. Gr. p. 458.

l. 2. conciliationem] sc. inter se, Nägelsb. lat. Stil. p. 53.

l. 3. debemus—debemus] nota geminatum verbum: cf. de orat. I § 28, 29; *dicebat...dicebat*, II § 166 *quaeremus...quaeremus;* ep. ad fam. X 3 *constitutam...constitutam;* de fin. V § 42 *videmus...videmus.* ALAN.

CHAPTER XLII

§ 150, l. 4. de artificiis et quaestibus] 'of trades and (other) sources of emolument, what are to be considered worthy of a freeman, what mean and vulgar, we have been taught to consider as follows.'

l. 7. portitorum] 'collectors of harbour duties,' custom-house officers, an inferior class of persons, the τελῶναι or 'publicans' of the New Testament, who contracted with the publicani or farmers-general of the revenue (usually Roman knights) to collect the *portoria*. See Dict. Ant. s. v. *publicani*, Cic. ad Qu. fr. I 1 § 33.

l. 8. faeneratorum] 'usurers,' from *fenus*, which comes from the root FE same as FU seen in fetus, femina. Cp. Gr. τόκος from τίκτειν.

mercenariorum cet.] 'all hired workmen whom we pay for mere manual labour and not for artistic skill: for in their case the very wages they receive constitute an obligation to serve, § 41 l. 31.

l. 11. qui mercantur—quod statim vendant] 'who buy to sell again as soon as they can,' i.e. 'retail dealers,' called *propolae* or *caupones* (Gr. κάπηλοι) opposed to 'wholesale merchants,' *mercatores, negotiatores*, ἔμποροι.

l. 12. nihil enim proficiant cet.] 'for they would get nothing by their business, unless they lied.' **admodum** corresponds to our phrase 'to a degree.'

l. 13. vanitate] 'falsehood,' 'fraud,' § 44, § 151, III § 58 l. 35, Tusc. III § 2 *ita variis imbuimur erroribus ut vanitati veritas cedat.*

opifices] 'mechanics,' 'handicraftsmen,' called also *sellularii*, Gr. χειρότεχναι, χειρώνακτες, βάναυσοι. The Romans thought agriculture and military service the only employments worthy of freemen.

l. 17. cetarii] i.q. *cetariorum artes*, § 4, § 76. cetarii are 'dealers in salt and larger fish,' called also *salsamentarii*. **piscatores**] 'dealers in fresh fish.' **lanii**] 'butchers.'

coqui] Livy XXXIX 6 speaks of a coquus as *vilissimum antiquis mancipium*. Cp. Cic. pro Rosc. Am. § 134, Plaut. Aul. II 4, 43, Pseud. III 2.

fartores] i.q. botularii, 'sausage-makers,' Gr. ἀλλαντοπῶλαι. In Hor. Sat. II 3, 229 it is used in the sense of 'a poulterer,' 'fattener of fowls,' Gr. ὀρνιθοτρόφος.

l. 18. Terentius] Eunuch. II 2, 26.

unguentarios] 'perfumers,' Hor. Od. I 31, 12; II 7, 8; 11, 16; Sat. II 3, 228, called *myropolae* in Plaut. Trinum. II 4, 7.

saltatores] 'ballet-dancers,' *pantomimi*, Gr. ὀρχησταί. Corn. Nep. Epamin. c. 1 *scimus nostris moribus...saltare etiam in vitiis poni.*

totumque ludum talarium] ludus talarius (as shewn by Hertz Bresl. ind. lect. 1873 ap. Heine ed. 5) was a kind of play in which loose songs were sung and dances exhibited to the accompaniment of cymbals and castanets. Quintil. XI 3, 57 *quid enim minus oratori convenit quam modulatio scaenica—Quid vero movendis affectibus contrarium magis quam—fori sanctitatem* ludorum talarium *licentia solvere*. The name was derived from the *stola* talaris worn by the players.

§ 151, l. 19. in quibus artibus prudentia maior inest] 'to which greater skill is necessary.' With *quaeritur* we must supply *quibus*.

l. 22. doctrina rerum honestarum] 'the instruction of youth in philosophy and the liberal arts.'

iis, quorum ordini conveniunt, honestae] 'respectable for those whose rank they suit.' Cicero means that these arts when cultivated for the sake of gain are not suited for men of senatorial or equestrian rank, though as amateurs they did and might study and practise them. See § 19, Quintilian I 10, 35.

l. 23. mercatura] maritimam dicit, qua merces terrarum et regionum exportantur, apportantur, commutantur, non cauponariam, quam qui exercent a Romanis ne mercatores quidem dicti sunt. *Z.*

l. 25. vanitate] § 150 l. 13.

non est admodum vituperanda] 'is not so very discreditable.' Cicero chooses this expression, because trading even on a large scale was considered unbecoming a senator, and at times was forbidden by law. Liv. XXI 63 § 3 tells us that it was forbidden by law *nequis senator cuive senator pater fuisset maritimam navem, quae plus quam trecentarum amphorarum esset, haberet.*

l. 26. atque etiam] II § 40.

l. 27. ut saepe ex alto in portum] sc. *se contulit.* Translate: 'nay, it even challenges our highest regard, if (those who are concerned in it) satiated or rather, I should say, satisfied with the profits they have realized, instead of leaving the sea and making the harbour, as they have been in the habit of doing, leave the harbour and step into an estate,' i.e. invest their property in land. Sic or ita is to be supplied before *ex ipso portu*, so Sallust. Iug. 2 *ut initium finis est.*

l. 28. contulit] not *contulerit*, for as Madvig says (opusc. acad. II p. 282 'agitur de effectu rei praeteritae fieri solitae, in quo...coniunctivus perfecti prorsus ab hac loquendi ratione excluditur, quae non hypothetica est sed simpliciter condicionalis.' Cp. § 32, § 123. The subject (is qui mercaturam facit) (cp. § 134 l. 36) is to be understood from *mercatura* by implication.

l. 29. omnium rerum] i.e. ex omnibus rebus: cp. II § 23, § 34 *harum duarum*, § 49 *quarum*.

ex quibus aliquid adquiritur] quibus divitiae comparantur. *H.*

l. 30. agri cultura] the only honourable employment for senators. See the praises of it at the end of Vergil's second Georgic, and in the second Epode of Horace, also Pliny N. H. XVIII 3 and 5, and Columella lib. 1 praefat., Dionys. Halic. II 28.

l. 31. nihil homine libero dignius] Bern. a b c *nihil homine, nihil libero*, quod mihi quidem verum videtur, ut sit *nihil homine* in universum, *nihil*, de quo nunc dicimus, *libero dignius*. *Z.*

l. 32. in Catone maiore] § 51 ff.

illim assumes] i. q. illinc disces, § 2.

CHAPTER XLIII

P. 55, § 152, l. 1. partibus honestatis] 'the divisions of moral rectitude,' § 141, i.e. the four cardinal virtues.

l. 2. quem ad modum officia ducerentur] 'how duties are derived,' § 29 l. 13, II § 1 n., Madvig Gr. § 383, Roby Gr. II 1510, P. S. Gr. p. 483.

l. 4. incidere] § 136 n.

contentio et comparatio] 'a relative estimate and comparison of,' not 'rivalry and competition between,' § 58 l. 2.

l. 5. utrum honestius] sc. *sit*, not a common ellipse in indirect question; Kenn. P. Sch. Gr. § 99 ix p. 346: de off. I § 32, § 82, II § 1.

l. 6. a Panaetio est pretermissus] § 10. See Introd. § 29.

l. 8. cognitionis] an epexegetic genitive (genetivus definitivus), see Madvig Gr. § 286, Zumpt Gr. § 425, cp. II § 16 l. 20. *Communitatis* is here used subjectively for the spirit of feeling of *communitas vitae*, 'social virtue,' 'social instinct,' 'fellow-feeling,' a sense of the duties appertaining to each man as a member of society. Cp. Nägelsbach lat. Stil. p. 54. This *communitas* he ranks with *cognitio* 'prudence,' *magnanimitas* 'fortitude,' and *moderatio* 'temperance,' as one of the cardinal

virtues. Cp. §§ 44, 157, 159, III §§ 24, 100, 118. We have no single word which will exactly express the meaning of communis, as it is used de amic. § 65 *simplicem praeterea (amicum) et communem et consentientem qui rebus iisdem moveatur eligi par est*, and de sen. § 59 *ceteris in rebus communem erga eum atque humanum fuisse* where it is said of a superior putting himself on a level with his inferiors; also with *sensus* in Iuv. Sat. VIII 73 *rarus enim ferme sensus communis in illa fortuna*, and Hor. Sat. I 3, 66 *communi sensu plane caret, inquimus.*

l. 9. haec] sc. *partes*, a form of the feminine plural frequent in Cicero, as Tusc. I § 22 *haec sunt fere de animo sententiae*, III § 84 *haec sunt illae fibrae*, IV § 36 *haec tabificae mentis perturbationes*, V § 84 *haec de finibus sententiae*, Vergil Georg. III 305 *haec quoque non nobis cura leviore tuendae.* So Liv. I 43, 5 *totidem centuriae et haec eodemque discrimine aetatium factae*, ib. III 55, 13, XXI 21, 4.

§ 153, l. 11. aptiora naturae] =coniunctiora naturae, a phrase of Stoic origin, § 159, de fin. IV § 46, de am. § 17. Cp. § 100 l. 21 *motus corporis ad naturam apti.*

l. 14. quod, si contigerit cet.] Ponamus ut sapiens omnia perquirere possit in summo otio; si prorsus neminem habebit, quicum sua inventa communicet, neminem quem edoceat, cuius causa laboret, vita illi intolerabilis erit. (*Zumpt.*) Heine is probably right in omitting *quamvis*, which disturbs the regularity of the sentence. Zumpt retains it, as it is found in all MSS, and explains the irregularity thus: 'postquam dixit *si contigerit ea vita sapienti ut*, constructione mutata pro illis substituit quamvis, quia ad tamen devenire voluit.' The same argument is used de amic. § 87, de fin. III § 65, V § 57. It is in opposition to the *αὐτάρκεια* of the Stoics.

omnium rerum affluentibus copiis] abl. abs. P. S. Gr. § 161.

l. 16. summo otio] abl. of manner or of attendant circumstances, Zumpt Gr. § 472, P. S. Gr. § 151, Roby Gr. II 1238.

l. 18. excedat] coniunctivus in re ficta pro futuro. Zumpt Gr. § 514. cp. § 82 l. 4, § 144 l. 26, II § 40.

l. 19. principesque omnium virtutum cet.] second ground. The parenthetical clause extends to *inter ipsos*, and the thread of the sentence is taken up at *ea si maxima est.* Simplify the sentence and it would run thus: *sapientia, quae rerum est d. et h. scientia, in qua—inter ipsos, si maxima est, ut est, necesse est quod a communitate ducatur officium esse maximum.*

l. 20. σοφίαν] *σοφία* according to the Stoic definition is *ἐμπειρία τῶν θείων καὶ ἀνθρωπίνων καὶ τῶν τούτου αἰτιῶν* (see II § 5), 'speculative wisdom,' the foundation of every virtue (Introd. § 23), mental excellence in its highest and fullest sense, as distinguished from *φρόνησις* (§ 18), *ἐπιστήμη ὧν ποιητέον καὶ οὐ ποιητέον καὶ οὐδετέρων*, i.e. knowledge of the things useful for the purposes of life, 'practical wisdom.' *Σοφία* is primary and absolute, *φρόνησις* derivative and special, see Aristot. Eth. N. VI 7, 12 *ἡ ἀκριβεστάτη τῶν ἐπιστημῶν...ὥσπερ κεφαλὴν ἔχουσα ἐπιστήμη τῶν τιμιωτάτων.*

prudentiam aliam q. intellegimus] 'by *prudentia* we understand something else, viz. the knowledge etc.,' pro Caec. § 47 *cum in his rebus vim nominamus, pertenuis vis intellegi debet.*

l. 24. in qua continetur—deorum et hominum communitas] 'which is concerned with the intercourse between gods and men.' Heusinger quotes a passage from Arius Didymus ap. Euseb. praep. evang. XV 15 concerning the Stoics' opinion of the relation between the gods and men: *ὅτι ὁ*

κόσμος οἱονεὶ πόλις ἐστὶν ἐκ θεῶν καὶ ἀνθρώπων συνεστῶσα, τῶν μὲν θεῶν τὴν ἡγεμονίαν ἐχόντων, τῶν δὲ ἀνθρώπων ὑποτεταγμένων. Κοινωνίαν δ' ὑπάρχειν πρὸς ἀλλήλους διὰ τὸ λόγου μετέχειν, ὅς ἐστι φύσει νόμος. Cp. Cicero de fin. III § 64 *mundum autem censent regi numine deorum eumque esse quasi communem urbem et civitatem hominum et deorum et unumquemque nostrum eius mundi esse partem*, Sext. adv. Math. IX 131.

l. 25. **si maxima est**] i.e. *si princeps virtutum est.* The remarks of Madvig (de fin. III § 35) on this passage are worth transcribing: he says 'Incipit Cicero de sapientia dicere; intericit admonitionem de prudentia: huic ipsi admonitioni et prudentiae definitioni ex contrario (*illa autem sapientia*) sapientiae definitio adiungitur; huic annectitur, non ad initium redit, primaria sententia: *ea si maxima est* cet.; ipsum initium orationis: *Princepsque* cet. nusquam grammatice absolvitur. Qui in verbis *illa autem* eo rediri putant, illi statuunt, ab initio Ciceroni tamquam primarium propositum fuisse hoc loco sapientiam definire. At omnis eius oratio eo spectat, ut ostendat, etiam ex sapientiae notione sequi, ut communitatis officia maxima sint.'

l. 26. **ducatur**] subj. in suboblique clause.

l. 27. **etenim**] 'moreover,' introduces a new statement, containing the third ground, not the reason for the immediately preceding conclusion. Madvig de fin. I § 3: 'particula etenim utimur non tam cum proxima confirmamus, quam cum in universa argumentatione progredimur, ut saepe fere idem sit ac porro, praeterea. Exempla sunt Tusc. III 20, de n. d. II 77, de div. II 89.' He returns to the same argument § 157.

l. 28. **inchoata**] 'imperfect,' de leg. I § 27 *prima et inchoata intellegentia*, de nat. deor. II § 33 *a primis inchoatisque naturis ad ultimas perfectasque procedere*, de orat. I § 5 *quae pueris aut adulescentulis nobis ex commentariolis nostris inchoata ac rudia exciderunt.* **manca**] 'defective,' lit. 'maimed:' Nägelsb. lat. Stil. p. 212.

l. 29. **actio rerum**] 'practical result,' § 83, Nägelsb. lat. Stil. p. 58.

consequatur] § 116 l. 12.

l. 31. **igitur—ergo**] de am. 51 f. **haec**] sc. actio.

P. 56, § 154, l. 1. **cupidus in perspicienda**]=*intentus*, *occupatus*, 'eager,' 'zealous,' 'interested,' an unusual construction for the gen., de inv. II § 33 *qui in illa re turpis aut cupidus aut petulans fuerit.* So *rudem in iure civili* de orat. I § 50, *in disserendo rudes* de rep. I 8 § 13.

l. 3. **allatum**] i.e. *nuntiatum.*

l. 6. **hoc idem fecerit**] 'he also would do so:' that is *īdem* (*optimus quisque*) not *ĭdem hoc*, as § 156 l. 20. See Zumpt Gr. § 127, 697. For the conjunctive see P. S. Gr. p. 338, Madvig § 350 b, cp. § 75 l. 2 *dixerit.*

§ 155, l. 8. **quae pertinent ad hominum utilitatem**] 'which concern the interests of our fellow-men,' § 156 l. 25 *ad* hominum *utilitatem*, § 22 *communes utilitates in medium afferre.* See Nägelsbach lat. Stil. p. 304. *Caritatem* is the reading of Bern. c: Heine suggests that *communitatem* was the original reading, altered into *caritatem* by a transcriber.

l. 10. **antiquius**] i.e. anteponendum, 'more important, of more consequence.' Cp. Philipp. XIII § 6 *praecipit ne quid vita existimem antiquius*, ep. ad div. XI 2 *nec quicquam habui antiquius quam ut.*

CHAPTER XLIV

l. 10. **atque**] 'and assuredly.' In the beginning of a sentence introduced for the purpose of explaining a preceding statement, and where mere

connection is insufficient, *atque* and *ac* introduce a thing with great weight, and may be translated by 'now.' Zumpt Gr. § 333.

l. 13. **recesserunt**] § 37.

nam et] § 142 l. 25, II § 33, Hand Turs. II p. 510.

quo essent] subjunctive in a final adjectival clause. Roby Gr. II 1640, P. S. Gr. § 208, Madvig § 440 b *obs.* 1.

l. 14. **rebus suis publicis**] 'to their several governments,' § 92 l. 22.

l. 15. **Lysis**] Lysis was an eminent Pythagorean philosopher, a native of Tarentum in Italy, whence he fled to Thebes in the general persecution of his sect, and was there entertained by the father of Epaminondas. Some take him to be the author of the golden verses that are extant under the name of Pythagoras. Cp. de orat. III § 139 *Lysis Tarentinus Pythagoreus instituit Epaminondam*, Diog. Laert. VIII 39, Iambl. vit. Pythag. 35, Corn. Nepos Epam. 2.

l. 16. **Dionem**] The uncle of the younger Dionysius, whose kingdom he overthrew later, was first attached to the Pythagorean philosophy, but when Plato visited Syracuse B.C. 389, he became his follower and remained his faithful disciple until the end of his life B.C. 353: de orat. III § 139, Plato epist. VII quoted by Plutarch Dion c. 4, Diog. Laert. III 21.

Syracosium] the Greek form of the adjective for *Syracusanus.*

multique multos] i. e. *multi alii multos alios.*

l. 18. **a doctoribus atque doctrina instructi**] 'well furnished in point of teachers and learning:' cp. Brut. § 163 *a philosophia, a jure civili, ab historia instructior*, de orat. III § 229 *nihil isti adulescenti neque a natura neque a doctrina deesse sentio.* Hand Tursell. I p. 56, P. S. Gr. p. 300 7, Madvig Gr. § 253 *obs.* Cicero acknowledges his obligations to Greek philosophers in many places, pro Arch. § 14, de nat. deor. I § 6: *nos—cum minime videbamur, tum maxime philosophabamur, quod et orationes declarant refertae philosophorum sententiis et doctissimorum hominum familiaritates, quibus semper domus nostra floruit, et principes illi, Dioaotus, Philo, Antiochus, Posidonius, a quibus instituti sumus*, ep. ad Quint. fr. I 9 *non enim iam hoc me dicere pudebit—nos ea, quae consecuti sumus, his studiis et artibus esse adeptos, quae sint nobis Graeciae monumentis disciplinisque tradita.*

§ 156, l. 19. **vivi atque praesentes**] 'personally,' § 11.

l. 21. **monumentis litterarum**] 'their literary records,')(*viva voce.*

l. 22. **locus**] 'topic,' 'matter of discourse,' § 18, § 65, § 93, § 160 l. 34 n.

l. 23. **qui pertineret**] consecutive subj. 'any kind of topic which related to.' For the sense see n. to § 152 l. 2.

ut—videantur] consecutive subj. 'so that.' For the meaning of videantur see n. § 121 and cp. Tusc. I § 49 *tot rationes attulit, ut velle ceteris, sibi certe persuasisse videatur.*

l. 26. **prudentiam intellegentiamque**] φρόνησιν—σύνεσιν, 'practical and critical wisdom.'

l. 27. **modo prudenter**]=dummodo prudenter fiat, § 82 l. 36, 127 l. 34, II § 51 l. 1.

l. 28. **cogitatio in se ipsa vertitur**] 'reflection (abstract speculation) turns to its own self,' i. e. begins and ends with itself without benefiting others, de fin. III § 24 *sola enim sapientia in se tota conversa est.*

l. 29. **complectitur eos**] 'extends its benefit to those.'

§ 157, l. 30. **atque, ut apium cet.**] Having explained in § 154 how the best men prefer activity to mere speculative knowledge and illus-

trated his point by examples, Cicero now enters on a new proof that an active performance of our social duties is of greater importance than solitary study, namely, because there is a natural tendency in men to form society. The argument is pointed against the Epicureans, who maintained that men formed themselves into society only for the purpose of mutual assistance and help.

l. 31. cum congregabilia sint] subj. of conceived cause, P. S. Gr. p. 459.

l. 32. ac multo etiam magis] See § 12 and cp. Aristot. Pol. 1, 2, 10 διότι δὲ πολιτικὸν ὁ ἄνθρωπος ζῷον πάσης μελίττης καὶ παντὸς ἀγελαίου ζῴου μᾶλλον, δῆλον.

l. 33. congregati]=*congregabiles*, 'sociable,' 'gregarious;' cp. *invictus*, *inaccessus*, *contemptus*, which have respectively the meanings of 'unconquerable,' 'unapproachable,' 'contemptible.'

l. 34. constat—ex societate generis humani] 'is founded on,' 'consists in,' 'the maintenance of human society,' § 153 *in qua continetur*, § 160 l. 30.

P. 57, l. 1. attingat] 'be attached to,' 'accompany,' § 18.

solivaga] 'solitary,' 'isolated,' Nägelsb. lat. Stilist. p. 212.

l. 2. ieiuna] 'meagre,' 'barren of useful results.'

itemque magnitudo animi...immanitas] this proposition appears to be introduced as an illustration of the other, being so evident as to need no proof itself: for the conclusion which follows (*ita fit etc.*) mentions only *cognitio*. Zumpt gives the meaning of the whole passage as follows: 'Knowledge is not real knowledge, nor does fortitude deserve its name, unless they be made to have reference to the common weal, i.e. unless science share its light with others, or fortitude employ itself in defending human society from dangers.'

l. 3. remota communitate coniunctioneque humana feritas sit quaedam] the protasis is implied in *remota*, 'separated,' i.e. in case it be separated; hence the subjunctive in the apodosis, Madvig Gr. § 347, P. S. Gr. p. 473 § 215. On quaedam see n. to § 95.

l. 4. immanitas] applied to anything brutal, savage or unnatural.

ita fit ut vincat] Madvig Gr. § 373, P. S. Gr. § 195.

§ 158, l. 6. quod dicitur a quibusdam] § 54 n. He alludes to Plato, rep. II p. 369 B, who traces the origin of civil government to the insufficiency of each man for the supply of his own wants, and to the measures which he consequently adopts for associating with other persons to assist him, γίγνεται πόλις, ὡς ἐγῷμαι, ἐπειδὴ τυγχάνει ἡμῶν ἕκαστος οὐκ αὐτάρκης ἀλλὰ πολλῶν ἐνδεής. Aristotle, Pol. I 2, also remarks that 'a man who could not associate with others, or who was all-sufficient for his own wants, would form no part of a state: he would be either below or above human nature and not a man,—ἢ θηρίον ἢ θεός.' G. C. Lewis 'On the methods of reasoning in Politics,' I p. 14. The Epicurean theory also is included in the allusion, see Lucr. V 1105 ff.

l. 8. desideraret...possemus] § 152 l. 2. The clause *quod non possemus* is explanatory of *necessitatem vitae: idcirco* refers to the following clause, *quod...collocaret*.

l. 11. victum cultumque] § 106. **virgula divina**] 'by supernatural assistance,' lit. 'by a magic wand.' A proverb alluding to Mercury's *caduceus* (ὄλβου καὶ πλούτου ῥάβδος hymn. in Merc. 529) which was said to

have the power of transmuting any substance that its possessor pleased, Lucian dial. deor. 7, 4.

l. 12. optimo quisque ingenio]=*ingeniosissimus quisque*, the descriptive abl. of quality, P. S. Gr. p. 399, Madvig Gr. § 372, Roby Gr. II 1232, 1309.

l. 13. totum se collocaret in] 'would occupy himself entirely with.' *Cognitio* and *scientia* stand in the same relation to each other as *coniunctio* and *societas:* the former is the cause, the latter the effect. Madvig ad fin. III § 50 observes: 'Debuit dici: *tum optimo quemque ingenio...se collocaturum esse;* refertur enim ad illud: *Nec verum est, quod dicitur a quibusdam.* de nat. deor. I § 123, ubi est: *neque enim tam desipiens fuisset*, rectius futurum erat: *neque enim tam desipientem futurum fuisse* (nisi ita esset) *ut* cet. Nam ex Posidonii persona ratio redditur iudicii ante positi.'

l. 16. omne officium]=*quodque officium*, 'every duty,' cp. § 128 *ab omni quod abhorret cet.*, § 133 l. 33.

l. 17. quod cognitione...continetur] 'which is dependent upon abstract study,' § 160 l. 30, III § 23, II § 58.

CHAPTER XLV

§ 159. illud forsitan quaerendum sit] 'the following enquiry perhaps may be proper,' the potential use of the conjunctive, P. S. Gr. p. 338.

l. 19. communitas] § 152.

l. 20. apta naturae] § 153 l. 11.

l. 21. non placet] sc. anteponi eam. On placere see § 138 l. 9.

l. 22. foeda...flagitiosa] foedum is that which is offensive to the natural feelings, 'repulsive,' flagitiosum, that which is 'scandalous.' *Taetra* and *obscena* in the next sentence refer to these words in an inverse order (*per chiasmum*, § 122), *obscenus*, 'indecent,' enhancing the signification of *foedus*, and *taeter*, 'shocking,' 'atrocious,' that of *flagitiosus*. An instance of such a conflict between patriotism and decency is given III § 93.

l. 24. ea permulta] 'a great many of these,' Roby Gr. II 1295, Zumpt Gr. § 430.

Posidonius] Ποσειδώνιος was a distinguished Stoic philosopher, born about B.C. 135, a pupil of Panaetius. He was a native of Apamea in Syria, but lived at Rhodes. Strabo calls him ἀνὴρ τῶν καθ' ἡμᾶς φιλοσόφων πολυμαθέστατος: Cicero, who received instruction from him when he visited Rhodes, de fin. I, 2, styles him *vel omnium Stoicorum maximum* (III § 10, de nat. d. I § 7, § 123), and thought so highly of his powers that he requested him to write an account of his consulship, as a most notable philosopher, to visit whom Pompey, on his return from the Asiatic war, went to Rhodes. He was a man of extensive and varied acquirements in almost all departments of human knowledge, as a minute enquirer. He is scarcely ever mentioned without some expression of affection, and Cicero tells us that he read his works more than those of any other author. At a later period he became a resident at Rome and stayed in Cicero's house. The fragments of his numerous writings were collected by J. Bake and published at Leyden 1810. See Introd. § 30.

l. 26. suscipiet] indefinite subject, sc. *sapiens ille*, 121 l. 1, 134 l. 36.

ne res p. quidem] 'nor will the state either,' 'no more will the state.' Ne quidem=οὐδέ, Germ. *auch nicht;* § 124 l. 31, pro Archia § 2 *ne nos quidem*, 'no more have we,' Tusc. I § 11 *si ergo apud inferos miseri non sunt, ne sunt quidem apud inferos ulli.* See Madvig Gr. § 457, and ad

fin. Exc. III p. 802, Roby Gr. II 1657, Zumpt Gr. § 801. For the sentiment cp. § 84.

l. 27. hoc] i. q. *eo, tanto. Haec...res*, the common reading, would refer to the conflict between justice and temperance, as contrasted with the conflict between justice and wisdom.

quod non potest] Roby Gr. II 1701, 1745, P. S. Gr. p. 459, Madv. Gr. § 357.

l. 28. tempus ut] i.e. eiusmodi ut, § 32, § 133 n.

§ **160**, **l. 29. effectum sit**] i.q. *conclusum sit*, 'let this have been proved,' 'be a certain conclusion.' *Efficere* in this sense is more commonly followed by *ut* with the subjunctive as II § 10, Tusc. I § 16 *mors ut malum non sit efficies*, nat. deor. III 12 *efficitur ut omne corpus mortale sit*. See III § 23 and cp. Kuehner n. to Tusc. I § 77.

in officiis deligendis] i.q. diiudicandis, § 146 l. 8.

l. 30. quod teneatur hominum societate] 'which consists in, is absolutely necessary to the maintenance of society.' *Contineri* is the word which most frequently occurs in this sense, I § 153 l. 24, § 158 l. 18, Nägelsb. lat. Stil. p. 304. Alan compares de leg. I § 23 *ut homines deorum agnatione et gente teneantur*.

l. 31. etenim] § 153 l. 27 n.

cognitionem sequitur] 'is the result of, presumes an antecedent, knowledge.'

l. 32. ita fit ut] formula concludendi, i.q. hinc sequitur, efficitur, 'it follows that,' 'consequently,' § 101 l. 28 *ita fit, ut ratio praesit, appetitus obtemperet*, Tusc. II § 16 *ita fit, ut omnino nemo esse possit beatus*, III 1, 1 *ita fit, ut animus de se ipse tum iudicet, cum id ipsum, quo iudicatur, aegrotet*, Hand Tursell. III p. 474.

pluris sit] the genitive of value, P. S. Gr. § 269, Madv. Gr. § 294, Roby Gr. II 1186.

l. 34. locus ipse]=sedes rei, 'the essential point,' 'the ground of proof.' 'Omnia vertuntur in eo, quod communitatem deorum hominumque primum esse docuit.' (*Zumpt.*) Quintil. V 10, 20 *locos appello sedes argumentorum, in quibus latent et ex quibus sunt petenda*, Cic. top. 2, 7 *cum pervestigare argumentum aliquod volumus, locos nosse debemus, sic enim appellatae ab Aristotele sunt eae quasi sedes, e quibus argumenta promuntur*. ib. 2 8 *itaque licet definire, locum esse argumento sedem*.

l. 35. cuique] sc. officio, 'to each single duty,' § 97.

P. 58, l. 1. gradus officiorum] 'gradations of duties,' i.e. of those duties we owe society some are more important than others. See the full discussion of this subject in c. 17.

l. 3. deinceps gradatim] i.e. ea quae *deinceps gradatim* sunt. Some editors read *reliqua* before *reliquis*, which is unnecessary because *reliqua* or some equivalent word is implied already in *deinceps*=τὰ *deinceps*: see Nägelsb. l. Stil. p. 202.

§ **161**, **l. 5. honestumne**] the subject id de quo deliberetur or id quod in deliberationem cadat is understood.

l. 7. ut supra dixi] §§ 10, 152, cp. II § 88.

NOTES

ON

CICERO

DE OFFICIIS

BOOK II

BOOK THE SECOND

CHAPTER I

P. 61, § 1, l. 1. ab honestate atque ab omni genere virtutis] 'from moral rectitude, or rather from every one of its constituent virtues.'

ducerentur] After a leading proposition in a past tense dependent interrogative and objective propositions are expressed in the imperfect, although their import may hold good also at the present or at all times (in which case the present is often used in English), Madvig Gr. § 383. It is the prevailing idiom of Cicero to construct the present tense with historic consecution, P. S. Gr. p. 483, cp. I § 29 l. 13.

l. 5. ad vitae cultum] I § 12 l. 28.

l. 6. facultatem] 'means of acquiring,' I § 9. **opes**] 'power,' 'influence,' the facility of accomplishing what you wish through others: **copiae**] 'riches,' 'resources,' I § 9 l. 21.

l. 7. in quo tum quaeri dixi quid utile] sc. *esset*, I § 152 l. 5, § 9. The *tum* is transposed from its proper place before *quid utile.* Facciolati and others consider that this passage, the second clause of which is not found in several of the best MSS, is spurious and a marginal gloss on *libro superiore.* *In quo* must refer to the whole clause *ut—persequar.*

l. 8. de quibus] sc. *officiorum generibus.*

l. 9. de instituto ac iudicio meo] i.e. *cur ad hoc nos studium potissimum contulerimus ac de philosophia nobis potissimum probata* 'in vindication of my design of writing upon moral philosophy, and of the philosophical method I have chosen.' 'The *prooemium*, wherein Cicero justifies his devotion to philosophy after the fall of the Republic (§ 1--6) and his philosophical method (§ 7), agrees with that of the first Book *de nat. deor.* In his writings subsequent to the years B.C. 44 and 43 the *prooemia* are not so carefully worked up as in the *de legibus* and *de rep.*, but are contracted into a narrow range of often-recurring thoughts: ep. ad Att. XVI 6 § 4, he says *habeo volumen prooemiorum: ex eo eligere soleo, cum aliquod σύγγραμμα institui.*' *Heine.*

§ 2, l. 11. complures] such men as Hortensius, Brutus, Varro.

l. 12. ad scribendi studium] de nat. deor. I § 8 *eoque minus me instituti mei* (i.e. philosophiam nostris explicandi) *paenitet, quod facile sentio quam multorum non modo discendi sed etiam scribendi studia commoverim*, cp. de off. I § 1, *ut non modo Graecarum litterarum rudes sed etiam docti aliquantum se arbitrentur adeptos et ad dicendum et ad iudicandum.*

l. 14. bonis viris] 'worthy, well-meaning men,' a slightly contemptuous expression for non nimis or parum docti, I § 20, III § 39, de fin. I § 25 *homines optimi non intellegunt*, Tusc. I § 6 *ab optimis illis quidem viris, sed parum eruditis.* The cultivation of philosophy was distasteful to the Romans, a people ambitious for extension of empire, and regarding as they did a life of action to be the only proper life for a man of rank, they looked upon learning as the business of pedants, and abandoned it contemptuously to the Greeks. See Tacitus Agric. 4 *memoria teneo ipsum narrare se in prima iuventa studium philosophiae acrius, ultra quam*

concessum Romano ac senatori, hausisse, ni prudentia matris flagrantem animum coercuisset. So late as the middle of the second century B.C. Carneades, Diogenes and Critolaus were by a decree of the senate driven out of the city, because they taught Greek philosophy there (A. Gell. N. A. XV 11). The prejudice against such studies gradually gave way, but had not entirely disappeared in the time of Cicero.

l. 14. philosophiae nomen] the descriptive genitive, 'the name philosophy,' 'philosophy in general,' cp. II § 16, III § 101 *utilitatis nomen*, de legg. II § 13 *quae non magis legis nomen attingunt, quam si latrones aliquas sanxerint*, de am. § 6 *cognomen sapientis*, ib. § 92 *nomen amicitiae.*

l. 15. mirenturque] sc. *boni viri.*

l. 18. dominatu unius] 'the absolute control of one individual,' sc. Julius Caesar, I § 26. [Cp. de nat. deor. I § 7: *nam cum—is esset reip. status, ut eam unius consilio atque cura gubernari necesse esset, primum ipsius reip. causa philosophiam nostris hominibus explicandam putavi.* J. E. B. M.]

l. 20. socios—amisissem] 'had parted with my associates in the task of preserving order in the state:' ad fam. IV 13, 2 *careo tum familiarissimis multis quos aut mors eripuit nobis aut distraxit fuga, tum omnibus amicis, quorum benevolentiam nobis conciliarat per me quondam defensa respublica.* He means Q. Catulus, C. Piso, the two Luculli, Pompeius, P. Servilius and others who are enumerated Philipp. II § 12.

l. 21. angoribus] 'fits of melancholy,' I § 41 n. Nägel. lat. St. p. 42.

l. 22. rursum] i.q. *contra*, Gr. αὖθις, 'on the other hand,' 'on the contrary,' § 21, Tusc. I § 45 *habitabiles regiones et rursum omni cultu vacantes*, de orat. I § 110 *neque rursus eam totam repudiaret*, de fin. III § 34 *neque in bonis numerata sit nec rursus in malis. Rursum* from *reversum*, as *quorsum* from *quoversum*, means properly 'going back on the same line,' hence 'again.' Thus Gr. πάλιν signifies 'back' and 'again.'

indignis homine docto voluptatibus] 'sensual pleasures unworthy of a philosopher,' a tacit reproach upon Hortensius, Lucullus, and others who retired to their country seats and amusements during the civil war and Caesar's usurpation. He calls such *piscinarii* ep. ad Att. I 19, 6.

docto] 'a philosopher by profession,' III § 3, de nat. deor. I § 44 *quoniam fere constat inter omnes non philosophos solum, sed etiam indoctos*, Tusc. I § 73. The Latin for a 'learned' man is *literatus*, pro Mur. § 16. See Nägelsbach lat. Stil. p. 21 f.

P. 62, § 3, l. 1. quo coeperat statu] i.e. immediately after the murder of Caesar, when liberty was apparently restored, de div. II § 7 *nunc quoniam de re publica consuli coepti sumus, tribuenda est opera reip. vel omnis potius in ea cogitatio et cura ponenda.* By *homines—cupidi* Antony and his party are meant.

l. 2. non tam commutandarum—rerum] 'not so much of reforming as of revolutionizing the constitution.'

l. 5. non ea quae nunc] sc. mandamus, 'not the subjects I now do (i.e. philosophical treatises), but my public speeches delivered in the senate and before the people, l. 8 *litterae forenses et senatoriae.*

scriptis—actiones nostras mandaremus] cp. Brut. § 91 f. *videmus alios oratores inertia nihil scripsisse, ne domesticus etiam labor accederet ad forensem (pleraeque enim scribuntur orationes habitae iam, non ut habeantur:) alios non laborare ut meliores fiant: nulla enim res tantum ad dicendum proficit, quantum scriptio:—alios, quod melius putent dicere se posse quam scribere.*

l. 8. nulla esset omnino] 'completely lost its existence,' 'was utterly gone,' I § 35, Ter. Hec. IV 4, 31 *nullus sum*, i.e. perii. Nägelsb. lat. Stil. p. 225.

scilicet] 'of course,' 'naturally,' said with resignation. So Tusc. V § 114 *Democritus luminibus amissis alba scilicet et atra discernere non poterat: at vero bona—mala poterat.*

conticuerunt] Brut. § 19 *iampridem conticuerunt tuae litterae.*

§ 4, l. 9. nihil agere] 'to be wholly idle,' 'unemployed.'

l. 10. in his studiis] i.e. 'the pursuit of philosophy.' *Ab initio aetatis*, I § 155, Introd. § 1. Cp. de div. II § 7, Acad. I § 11, Tusc. II § 11, I § 5 *philosophia iacuit usque ad hanc aetatem nec ullum habuit lumen litterarum Latinarum: quae illustranda nobis est et excitanda, ut, si occupati profuimus aliquid civibus nostris, prosimus etiam, si possumus otiosi.*

l. 11. si me—rettulissem] For the tense see P. S. Gr. § 229 4, p. 485, Madvig Gr. § 379, Roby Gr. II 1750.

l. 12. cui cum multum adulescens tribuissem] Cicero often dwells in his later works on his youthful devotion to philosophy; de rep. I § 7, Tusc. V § 5, de fato § 2.

l. 13. honoribus inservire] 'to give myself up to the discharge of the higher state offices,' cp. Hor. Art. Poet. v. 167 *inservit honori.*

l. 14. tantum erat—temporibus] 'there was so much (and no more) room (i.e. time) left for philosophical enquiries, as there was remaining over and above from the requirements of my friends and the commonwealth,' i.e. the time taken up by defending the causes of his friends in courts of law, and attending to political affairs, left little room for the study of philosophy. Cp. div. in Caec. 13 § 41 *omne tempus, quod mihi ab amicorum negotiis datur, in his studiis laboribusque consumam*, de div. II § 7 *tribuenda est opera reip. tantum huic studio relinquendum, quantum vacabit a publico officio et munere.* For *superesse* with the dative Heine compares Verr. Act. I § 13 *quantum hominis avarissimi et libidinosissimi aut imprudentiam subterfugit aut satietati superfuit*, Liv. XXI 4, 7 *id quod gerendis rebus superesset quieti datum*, IV 12, 10 *vendere quod usui menstruo superesset.*

philosophiae] the noun for the pronoun, I § 157.

l. 15. superfuerat] for the tense Heine compares Sallust Jug. 26, 3 *omnes puberes Numidas atque negotiatores promiscue, uti quisque armatis obviam fuerat, interfecit*, Cic. ad Quint. fr. II 6, 2 *Lucilium convenire non potueram, quod abfuerat*, Tac. hist. I 79 *donec pauci, qui proelio superfuerant, paludibus abderentur.*

l. 16. id autem] sc. temporis, implied in *loci.*

scribendi otium] 'leisure for writing:' cp. I § 119 *spatium deliberandi.*

l. 17. maximis in malis] 'in the midst of,' 'notwithstanding our sorest miseries.' P. S. Gr. p. 305, Roby Gr. II 1973, Zumpt Gr. § 317; cf. pro Murena § 34 *in summa copia oratorum nemo tamen Ciceronis laudem aequavit.*

hoc—boni—ut] Madvig Gr. § 285 b. The *ut*-clause serves to expand and define the preceding pronoun, Roby Gr. II 1700, P. S. Gr. § 195, Madvig Gr. § 374.

l. 18. videmur] sc. nobis, I § 1 l. 10.

nec—et] I § 72 l. 6, II § 43, Zumpt Gr. § 338.

CHAPTER II

§ 5, l. 19. nostris] § 2 l. 14.

l. 23. aliud—praeter] i. q. *nisi*, so frequently after a negation, I § 125, de orat. II § 279 *rogavit numquid aliud ferret praeter arcum*, Liv. XXXVIII 21 *nec iam tela alia habebant praeter gladios.*

interpretari] 'to translate,' I § 6, II § 60. *Studium sapientiae* = φιλία τῆς σοφίας.

l. 24. sapientia autem est cet.] the Stoic definition of σοφία, see note on I § 153, Tusc. IV § 57 *sapientiam esse dico rerum divinarum et humanarum scientiam cognitionemque, quae cuiusque rei causa sit*, Seneca ep. XIV 1, 5 sapientiam *quidam ita (finierunt): sapientia est nosse divina et humana et horum causas. Supervacua mihi videtur haec adiectio, quia causae divinorum humanorumque pars divinorum sunt.*

l. 27. quibus—continentur] § 158 l. 18, II § 58, III § 23 l. 5.

cuius studium—putet] cp. I § 41 for a similarly formed sentence.

§ 6, l. 29. oblectatio] 'amusement,' 'pastime,' 'gratification,' in a lower sense than *delectatio*, I § 105 l. 12.

l. 30. requies curarum] 'repose from care.' Madvig Gr. § 283 *obs.* 3, Roby Gr. II 1311.

quae conferri potest cet.] i.e. cum ea oblectatione, quae ex eorum studiis oriatur qui, I § 76.

l. 31. aliquid—quod spectet] 'something or other such as tends,' consecutive or generic subjunctive.

l. 32. ratio ducitur] i.q. ratio habetur, 'account is taken of,' 'regard is paid to,' pro Sest. § 23 *officii rationem in omni vita, non commodi esse ducendam*, pro Rosc. Am. § 128.

l. 33. eas] sc. *constantiam et virtutem.*

l. 34. artem] = *rationem*, 'system,' 'method,' 'course of study:' philosophy is subsequently spoken of as *disciplina* and *discendi genus*, Brut. § 152 *iuris civilis magnum usum et apud Scaevolam et apud multos fuisse, artem in hoc uno—hic enim attulit hanc artem omnium artium maximam ad ea quae confuse ab aliis agebantur.* Observe that *nullam dicere—esse* is the subject of the sentence.

cum minimarum cet.] i.e. *cum ne minimae quidem res sine praeceptis discantur. H.*

l. 35. nulla] sc. res.

hominum est] 'is the language of,' 'befits,' Madvig Gr. § 282, P. S. Gr. § 165 8, p. 413, Roby Gr. II 1282.

parum considerate loquentium] 'who talk without thinking, and (what is more) deceive themselves in matters of the utmost concern.'

P. 63, l. 1. autem] 'furthermore,' I § 11 l. 6, § 100 l. 12, II § 6 l. 8.

aliqua])(nulla, I § 35 l. 15, § 139, § 155, III § 77 l. 30. Cp. Tusc. II § 33 *cum (dolorem) dico opprimi patientia, si modo est aliqua patientia; si nulla est, quid exornamus philosophiam?* Zumpt Gr. § 70.

l. 2. ab hoc discendi genere] i.e. philosophy.

l. 4. alio quodam libro] the Hortensius, de div. II § 1 *nam et cohortati sumus, ut maxime potuimus, ad philosophiae studium eo libro qui est inscriptus Hortensius*, Acad II § 6 *si quodam in libro vere est a*

nobis philosophia laudata, profecto eius tractatio optimo atque amplissimo quoque dignissima est, de fin. I § 2 *philosophiae quidem vituperatoribus satis responsum est eo libro, quo a nobis philosophia defensa et collaudata est, cum esset accusata et vituperata ab Hortensio. Qui liber cum et tibi* (Brute) *probatus videretur et iis, quos ego posse iudicare arbitrarer, plura suscepi.* The work alluded to is lost with the exception of a few fragments; it was named after the celebrated orator Q. Hortensius (III § 73), to whom it was dedicated. It appears from ep. ad Att. XIII 18 that the *Hortensius* was written before the *Academics* were finished, i.e. before July B.C. 45. Augustine confess. III 4 praises the work very highly, and says of it: *ille liber mutavit affectum meum et ad te ipsum, Domine, mutavit preces meas et vota ac desideria mea fecit alia.*

§ 7, l. 8. occurritur autem nobis] 'it is objected to me,' de fin. II § 108 *quid occurrat* (i.e. *obiciatur*) *non videtis*, Ac. II § 44 *occurretur enim, sicut occursum est.* So Gr. ἀπαντᾶν. Having disposed of the objection urged by the *boni viri*, Cicero now considers the objections of philosophers and scholars (*docti et eruditi*), 'How can you', say they, 'an Academic, pretend to lay down fixed rules of duty, when it is a maxim of your sect that nothing can be known? is not this a contradiction of your principles? or will you admit that you don't know the truth of your own rules?' Cicero's answer is that he is not one of the Sceptics or Aporetics, the followers of Pyrrho, who held that all things were alike probable, and nothing could have so much said for it, but that as much might be said against it, and accordingly doubted about everything. Nor was he one of the dogmatics, who held some things to be absolutely certain and some uncertain, but, adopting a middle opinion, he maintains with the Academics that some things are highly probable and some improbable; though, therefore, he does not positively affirm his rules as certain, yet as thinking them so extremely probable that no wise man can refuse assent to them, he is fully justified and quite consistent in laying them down. See Introd. § 8.

et quidem] 'and that too.'

l. 9. constanter facere] 'to act consistently.'

l. 10. qui cum—dicamus—soleamus] *dicamus* is subjunctive in concessive clause introduced by *cum* = 'although,' *soleamus* after *qui* causal.

percipi nihil posse] 'that nothing may be known for certain:' the opinion of the Academics to whose sect Cicero so far belonged. Acad. II § 23 *maxime vero virtutum cognitio confirmat, percipi et comprehendi multa posse*, ib. II § 66 *visa ista cum acriter mentem sensumve pepulerunt, accipio iisque interdum etiam assentior, nec percipio tamen; nihil enim arbitror posse percipi.* The Greek equivalent of *perceptio* is κατάληψις, cp. Tischer Tusc. I § 17 n.

l. 11. disserere] 'to propound one's own opinion' intermediate between iudicare, affirmare, and disceptare 'to weigh the grounds for and against, without expressing an opinion,' which was the method of the Sceptics: de nat. deor. III § 95 *ego vero ea, quae disputavi, disserere malui quam iudicare*, ad fam. III 8, 5 *disputabant, ego contra disserebam: dicebant, ego negabam.*

l. 12. praecepta officii] § 32 l. 32, Roby Gr. II 1212, Madvig Gr. § 283.

l. 13. quibus vellem—esset] 'I could wish they had had a proper understanding of our opinions,' observe that the subject or object, as here, of the dependent verb, if expressed, always precedes the verbs *velim, vellem, malim, mallem* etc. Madvig Gr. § 350 b. *obs.* 1, Roby Gr. II 1606, P. S. Gr. p. 338 § 94, Zumpt Gr. § 528, n. 2.

l. 14. non enim sumus ii quorum vagetur animus] i.e. non ea est nostra sententia ut vagetur noster animus: cp. III § 12 *quod si is esset Panaetius, qui virtutem—diceret. Sed cum sit is, qui id solum bonum iudicet.* (*Beier.*)

l. 15. errore] 'in uncertainty,' 'indecision,' de fin. V § 15 *summum bonum si ignoretur, vivendi rationem ignorari necesse est, ex quo tantus error* ('vacillation') *consequitur, ut quem in portum se recipiant scire non possint. Cognitis autem rerum finibus inventa vitae via est*, I § 43, II § 71.

nec habeat umquam quid sequatur] 'and does not know what its principles are,' Gr. οὐδὲ ἔχει ὅ τι μετίῃ. So Plaut. mil. gl. III 1, 197 *erro quam insistas viam. Habeo* when = *scio* is always followed by *quid*, Cic. ad Att. I 12. 4, XV 5 *non habeo quid scribam* (he had said before *consilium meum magno opere exquirunt*), with VII 19 *nihil habeo quod ad te scribam*, and *de pueris quid agam non habeo*. Verg. Ecl. II 2 *nec quid speraret habebat*, Ter. Andr. 498 *teneo quid erret et quid agam habeo*, Lucr. I 758 *quorum utrumque quid a vero iam distet habebis. Nec habeat quod sequatur* would mean 'has nothing definite to aim at,' 'no fixed principles,' *aliquid* being implied before *quod*. Cp. III § 84.

l. 16. quae esset ista mens] 'for what method of reasoning would that be?' *ista* is used contemptuously, *mens* here = ratio.

l. 17. vivendi ratione sublata] I § 157 l. 3 'if all fixed methods of living were abolished.' For what argument can there be with those who allow not any one thing to be more probable than another, when in all argument from something taken to be certain or probable the matter in question is made out? Or how can any regular course of life or conduct be laid down for him who doubts whether he sees, hears etc.?

nos autem] that is not my case, but I etc., so § 2 *ego autem*, Nägelsbach lat. Stil. p. 547, ed. 2.

l. 19. probabilia] Introd. § 7.

contra] i.q. *contraria* i.e. *non probabilia*, I § 49 *quod contra fit*, § 109 l. 26.

§ 8, l. 20. impediat—sequi] de or. I § 35 *me impedit pudor haec exquirere*, Zumpt Gr. § 544, Roby Gr. II § 1348, Madvig Gr. § 375 a *obs. 2.*

l. 21. affirmandi] 'of dogmatizing,' 'positively asserting.'

l. 22. temeritatem—plurimum] = Gr. προπέτειαν, εἰκαιότητα, 'the recklessness which is most remote from the genuine spirit of philosophy.' Acad. II § 68 *cum tam vitiosum esse constet assentiri quicquam aut falsum aut incognitum, sustinenda est potius omnis assensio, ne praecipitet si temere processerit. Ita enim finitima sunt falsa veris—ut tam praecipitem in locum non debeat se sapiens committere.*

l. 23. contra autem omnia] 'against all (opinions) discussions are raised by our school (the new Academy), on the ground that this very probability could not be made to appear unless a comparative estimate were formed of the arguments on both sides.' *ex utraque parte* = ἐπ' ἀμφότερα. Cp. Ac. II § 60 *restat illud, quod dicunt, veri inveniendi causa contra omnia dici oportere et pro omnibus* (sc. rebus), Bentley 'Remarks upon a late discourse of Free-thinking,' Works Vol. III p. 447 ed. Dyce. Stuerenberg retains the reading of most MSS *disputantur*, which he explains to mean 'every discussion is held *in utramque partem*,' Germ. *nach entgegengesetzten Seiten aber wird alles von den unsrigen erörtert.*

l. 25. causarum contentio] I § 58, § 152.

in Academicis nostris] II c. 20 ff.

l. 27. antiquissima—philosophia] i.e. the Peripatetic philosophy of Aristotle, which, as Cicero observes, differed little from the Academic of Plato. To this sect Cratippus, his son's instructor, belonged, of whom Cicero says that he deserves to be classed with the illustrious founders of the school (*qui ista* (= *vestra*) *praeclara pepererunt*), viz. Aristotle and Theophrastus: see I § 1 and cp. div. I § 5, II § 100, Timae. c. 1.

l. 29. pepererunt] de nat. deor. II § 74 *eum qui ista peperit*, 'the founder of that doctrine.'

nostra—vestris] the Academic—the Peripatetic, I § 2.

ignota esse nolui] i.q. *non ignota esse volui.*

CHAPTER III

§ 9. The following chapters (III—VI § 20) contain in a certain measure a second introduction, wherein the general contents of the treatise are given and the question is discussed what is most beneficial, what most harmful to man.

l. 31. quinque rationibus] I § 10, 'five principles,' heads under which to classify and examine. Nägelsb. lat. Stil. p. 170.

igitur] (ut *ergo* mox § 8) absolutis quae erant praemonenda ad rem ipsam transit. *Z.* cp. I § 121, III § 66.

l. 32. officii persequendi] i.e. exequendi et inveniendi ('treating exhaustively'). *Z.*

decus honestatemque] *decus* implies the conformity of actions to the dignity of man and his superiority over brutes, *honestas*, their conformity to right reason. The former presupposes the latter as its basis.

l. 33. pertinerent] n. § 1 l. 11. Cp. I § 10, § 39, § 44, § 45, § 61, III § 12.

commoda] 'conveniences.'

l. 34. eligendi iudicium] i.q. *electio*, 'the decision of our choice,' Nägelsbach lat. Stil. p. 106.

l. 36. honestatis pars confecta est] § 16 l. 20 'the part on moral rectitude has been already completed.'

P. 64, l. 2. quod utile appellatur] sc. ad vulgi opinionem, III § 84 l. 17.

in quo verbo] 'in regard to which word.'

l. 3. de via] sc. *recta.*

l. 5. nulla pernicies maior] 'no more pernicious doctrine,' as opening a door to all sorts of crime, III § 62.

§ 10, l. 6. summa quidem cet.] 'there are philosophers of the very highest authority, who in theory (*cogitatione*) make a distinction between these three several kinds of excellence though essentially they are blended together, yet it will be allowed (*sane*) they do so upon strict and conscientious principles.' Beier and Nägelsbach lat. Stil. p. 229 give the force of γοῦν 'at all events' to *quidem*, the former adds 'ut vulgi illa opinio elevetur.'

l. 7. haec tria genera] Baiter, Beier and Lund adopt *genere* from Bern. c: cp. Tusc. V § 22 *genere, non numero cernerentur*, i.e. *re, propria vi sua*, de opt. gen. or. § 4 *non genere, sed gradu*, de fin. III § 34, de off. II § 60 *genere vitiosa, temporibus necessaria*. By *haec tria genera* are meant (1) *honestum* itself, which is expedient at the same time, (2) *honestum quod non esset utile*, (3) *utile quod non esset honestum.*

l. 8. confusa] i.e. *coniuncta, cohaerentia*, 'blended together,' 'in-

separable,' I § 95, de or. II § 177 *ut re distinguantur, verbis confusa esse videantur*, de fin. V § 67 *atque haec coniunctio confusioque virtutum tamen a philosophis ratione quadam distinguitur*, Tusc. I § 23 *utrum igitur internas sententias diiudicare malumus an ad propositum redire? cuperem utrumque si posset; sed est difficile confundere*, where Kühner observes: '*confundere* exquisitiore sensu nonnumquam ponitur pro *coniungere*, *consociare*, metaphora ducta a metallorum coctura.' Heine considers the next sentence *quidquid—utile* to be an interpolation, because it contains a wrong syllogism.

cogitatione] 'in theory,' 'mentally,' I § 95 l. 30: see Nägelsbach lat. Stil. p. 229.

l. 10. **ex quo efficitur**] 'whence comes the conclusion,' 'whence it follows,' I § 160 l. 29, III § 25 l. 30.

l. 11. **quod qui parum perspiciunt**] viz. that the division holds good in theory only.

l. 12. **versutos**] 'adroit,' 'shifty,' 'quick at expedients:' **callidos**] 'cunning,' 'crafty,' literally 'skilful from practice.' Cicero explains the distinction between these words de nat. deor. III § 25 *versutos eos appello, quorum celeriter mens versatur; callidos autem, quorum tamquam manus opere, sic animus usu concalluit.*

l. 13. **malitiam**] 'craft,' 'roguery,' 'evil intention,' III § 71 l. 22.

l. 14. **opinio omnis ad eam spem traducenda**] 'their fancy must be wholly converted to the hope that etc.' Cp. Philipp. II § 2 *homines ad eam sententiam traducendi sunt, ut non aliter inter se ea, quae velint, consequi posse sperent, quam si iustitiae et honestatis sint studiosi*, pro Mur. § 43 *populi opinionem a spe adipiscendi avertunt.*

l. 15. **ut—intellegant**] § 14 l. 18.

§ **11**, l. 22. **suos impetus**] 'their peculiar instincts,' Gr. ὁρμαί.

l. 23. **ratione utentia**] 'rational,' Madv. Gr. § 425 b; cp. I § 145, II § 71.

l. 25. **apes**] probably added by some one who did not know that *apes* might be included under *pecudes*, as by Vergil Georg. IV 527 *pecudum custodia solers*, or else, knowing this, began to enumerate the individual classes comprised under *pecudes*.

l. 28. **placatos**] 'propitious,' Hor. Od. III 23, 3 *si ture placaris—lares*. On duty to the gods see Introd. § 25 and I c. 7. '*Vis deos propitiare?*' says Seneca ep. XV 3 § 50 '*bonus esto*.'

pietas et sanctitas] 'religion and purity of character.'

l. 29. **proxime et secundum deos**] 'next and close after.' Plus est *secundum*, quam *proxime*. Nam '*proximum*' ut Nonius interpretatur '*dicebant veteres non solum adhaerens et adiunctum, verum etiam longe remotum, si tamen inter duo discreta nihil medium extitisset. Secundum* vero est, quod sine intervallo, ordine et quasi in serie excipit alterum. Horat. Od. I 12, 16

> *unde nil maius generatur ipso,*
> *nec viget quicquam simile aut secundum:*
> *proximos illi tamen occupavit*
> *Pallas honores. H.*

§ **12**, l. 31. **deos nocere non putant**] III § 102.

l. 32. **iis exceptis**] i.q. *omissis*, 'these being out of the question.'

l. 33. **ea enim ipsa**] an explanation of the sentence *homines hominibus maxume utiles esse possunt*. He proceeds to justify and confirm the next

assertion viz. *homines hominibus plurimum obesse possunt* in § 16 *atque ut magnas cet.*

P. 65, l. 1. **operis**] 'energies,' 'labours,' I § 78 l. 3. Nägelsbach lat. Stil. p. 42.

l. 2. **nisi manus et ars accessisset**] 'without the application of manual labour and skill.' Cp. § 13, § 14 *sine hominum labore et manu*, ib. *sine hominum manu atque opera*, de nat. deor. II § 150 *adhibitis opificum manibus.*

l. 3. **nec iis cet.**] In double relative clauses, Cicero not unfrequently abandons the relative construction in the second member and makes use of the demonstrative. Zumpt Gr. § 806, *note* 2. Cp. II § 18 l. 9, Tusc. V 8 *quem—Phliuntem ferunt venisse eumque cum Leonte—docte disseruisse*, de orat. II § 299.

l. 5. **frugum fructuumque**] 'the produce of the fields as well as other kinds of produce.' Usually when *fruges* and *fructus* are opposed, the former means 'crops,' 'the fruits of the field,' the latter 'the fruits of trees,' but in this passage the one seems subordinate to the other, as *species* to *genus*.

l. 6. **sine hominum opera ulla esse potuisset**] 'could have existed at all without the service of men.' Cp. I § 157 l. 3, below § 13 l. 10.

§ **13**, l. 7. **iam vero**] 'moreover,' 'then again.'

abundaremus...egeremus] sc. *si non exportarentur,—si non invenirentur.*

l. 8. **nulla esset**] I § 35, II § 3.

his muneribus] sc. *exportatione et invectione.*

l. 10. **nec ferrum aes cet.**] a quotation from some old poet, possibly the *Prometheus* of Attius, who herein copied Aeschylus P. V. 580 where Prometheus says *ἔνερθε δὲ χθονὸς κεκρυμμέν' ἀνθρώποισιν ὠφελήματα χαλκόν, σίδηρον, ἄργυρον χρυσόν τε τίς φήσειεν ἂν πάροιθεν ἐξευρεῖν ἐμοῦ;* cp. de nat. deor. II § 151 *aeris argenti auri venas penitus abditas.*

exciderentur—sine hominum labore et manu] i.e. *nisi hominum labor accessisset*, Madvig Gr. § 347 c, P. Sch. Gr. p. 473, above § 12 l. 6 and below § 14 l. 19, l. 22. I § 157. Cf. Lucr. de r. nat. I 213 *nostro sine quaeque labore sponte sua multo fieri meliora videres.*

CHAPTER IV

l. 14. **subveniri**] sc. eis potuisset, 'how could they have been repaired?' *Subvenire* takes the dative, and cannot therefore be used in the passive, except impersonally. On the meaning of the verb see I § 83 l. 14 n., cp. § 15 l. 31.

si—cecidissent] II § 4 l. 12 n.

l. 15. **communis vita**] i.e. *vitae communitas* (I § 20 l. 15), *communis vitae consuetudo, institutio vitae communis* I § 7, 'social union,' 'the existence of society,' I § 58, III § 21, de div. I § 86.

l. 16. **harum rerum auxilia**] 'protection against such accidents,' or 'help in such cases:' Sallust Cat. ch. 6 *sociis atque amicis auxilia portabant*, Ov. A. A. III 263 *cum tumet* (mare), *auxiliis assidet ille suis*, Liv. XXXI 33 *magna duo auxilia Romanis detraxisse.*

§ **14**, l. 17. **ductus aquarum**] 'aqueducts,' such as the famous *Appia* and *Martia*. **derivationes fluminum**] 'canals'.

l. 18. **moles**] 'break-waters.'

portus manu factos] 'artificial harbours.' The word for 'natural harbours' is *cothonas* Gr. κώθωνας.

l. 19. opere] means not only the thing 'done' but also the 'doing' of it, comp. Vergil Aen. VIII 515. Doederlein thinks that *opera* implies moral activity, a free will and purpose; *opus*, on the other hand, the mechanical activity of a beast, a slave or a soldier.

l. 21. eas] belongs grammatically to *utilitates*, logically to *fructus* also.

l. 22. potuisse] in the *oratio recta* this would have been *potuissemus* or *poteramus*, cp. I § 4 l. 16; the protasis is expressed by *sine hominum manu*, cp. § 13 l. 10 n.

l. 24. principes inveniendi] 'foremost in discovering,' Phil. VII 8, 23 *principes pecuniae pollicendae*.

l. 25. ex quaque belua] I § 99 l. 5.

l. 26. hoc tempore] 'now-a-days,' *hoc=nostro*, I § 100.

l. 27. tempestivos fructus] 'in due season:' e.g. wool at the proper time for shearing.

possemus] potuissem and possem facere are sometimes found for poteram or potui to express 'I might have done,' Tusc. I § 84, § 88; but in the present passage *sine hominum opera* stands as the protasis instead of si with verb, cp. above § 13 l. 10 n. and below § 15 l. 2.

l. 28. ab eisdemque] 'and by men also.'

§ 15, l. 29. quid enumerem]=non enumerabo, dubitative use of the pure conjunctive, when it is intended to indicate that something will not be done, Madvig Gr. § 353, P. S. Gr. p. 339.

l. 30. nulla esse] § 3 l. 8, de orat. II § 20 *qui omnes ii ut sine his studiis vitam nullam esse ducamus*.

l. 31. qui aegris subveniretur] i.e. *quae esset ars medendi*, 'how would the sick be cured?' § 13 l. 14.

valentium] 'the healthy and strong,' § 11 l. 23.

l. 33. exculta hominum vita] 'civilization.' **distat]** i.e. differt.

P. 66, l. 1. victu et cultu bestiarum] 'mode of feeding and living of wild beasts,' I § 106 *victus cultusque corporis*, de am. § 86 *quos tenuis victus cultusque* ('plain living') *delectat*, Sallust Cat. ch. 37 *regio victu atque cultu aetatem agere*.

sine hominum coetu non potuissent frequentari] 'could not have been peopled but for the association of men,' § 13 l. 10.

non potuissent nec] on the *nec—nec* partitively used after general negative see I § 84 l. 37, § 66 l. 32, § 92 l. 34, III § 57 l. 24, § 102 l. 3.

l. 2. ex quo] 'in consequence of which,' viz. *quod sunt urbes aedificatae*.

l. 3. tum] I § 71.

iuris aequa discriptio] i.e. *ius suum cuique tribuens*=Gr. ἰσονομία, 'an equitable distribution of private rights,' opposed to *leges*, I § 21, § 124.

certa vivendi disciplina] 'a systematic training for the business of life.'

l. 5. ut esset] consecutive subj. expressing result.

munitior] *munitus* expresses more than *tutus*, it means 'furnished with all necessaries,' de fin. II § 84 *multorum te benevolentia praeclare et tuebere et* munies, ad fam. IX 18 *ludum quasi habere coepi*...munio *me ad haec tempora*.

l. 6. mutandisque facultatibus et commodis] 'by interchanging one commodity for another, one convenience for another,' I § 22 *mutatione officiorum*, de amic. § 49 *vicissitudine studiorum*.

CHAPTER V

§ 16, l. 7. longiores] 'more tedious,' 'prolix,' de nat. d. I § 101 *nolo esse longus*.

l. 8. quis est—cui non perspicua sint] consecutive subj. with qui; Madvig Gr. § 364, P. S. Gr. p. 455.

l. 10. belli] pro in bello sive bello dicitur, id quod fit ubi opponitur *domi*. Vid. Gr. § 400. *Z.* Livy has III 19 belli *domique*, I 36 *domi* belli*que*, II 24, 85 *vel* belli *vel domi*, but I 34, 12 bello *domique*, IX 26, 21 *domi* bello*que*.

l. 11. sine hominum studiis] 'without the hearty cooperation of men,' § 17 l. 32, § 18 l. 8.

l. 12. commemoratur] even when the subject consists of two or more persons, the predicate is not unfrequently found in the singular, as Cic. Brut. § 30, de orat. II § 52 *qualis apud Graecos Pherecydes Hellanicus Acusilas fuit aliique permulti*, de div. I § 83 *hac ratione et Chrysippus et Diogenes et Antipater utitur*, because each individual is thought of separately and the verb referred to the nearest subject, Zumpt Gr. § 373, *note* 1, Madvig Gr. 213 a *obs.*, Draeger historische Syntax I § 103.

l. 15. atque ut—sic] *atque* potest hic habere continuativam vim ('moreover'); sic ut novum quid addens augeat quodam modo ea quae iam dicta sunt. Potest tamen etiam adversative accipi ut I § 144, Tusc. V § 62 ('but on the other hand'). BEIER. Cp. Kühner n. Tusc. III 4, Hand Tursell. I p. 478.

l. 16. conspiratione atque consensu] de fin. V § 66 *conspiratio consensusque*, cp. off. I § 21 *scientia cognitioque*, § 58 *contentio et comparatio*, ibid. *vita victusque communis*.

l. 18. nascatur] in a metaphorical sense: de nat. deor. II § 60 *illud, quod erat a deo* natum, *nomine ipsius dei nuncupabant*.

est] i.q. extat, I § 37.

Dicaearchi] *Siculus ex urbe Messana, Peripateticus, ab Aristotele doctus rationi studioque civili non defuit* de leg. III § 14, de div. I § 5, *acerrime autem deliciae meae Dicaearchus contra hanc immortalitatem disseruit. Is enim tris libros scripsit qui Lesbiaci vocantur quod Mytilenis sermo habetur; in quibus volt efficere animos esse mortalis* Tusc. I § 77, *libros mihi* (Dicaearchi) *velim mittas et maxime* Φαίδρου περὶ θεῶν *et* Πάλλαδος ad Att. XIII 39, 2, *Peloponnesias civitates omnes maritimas esse hominis non nequam sed etiam tuo iudicio probati Dicaearchi tabulis credidi: is multis nominibus in Trophoniana Chaeronis narratione Graecos in eo reprehendit, quod mare tam secuti sunt, nec ullum in Peloponneso locum excipit. Cum mihi auctor placeret—etenim erat* ἱστορικώτατος *et vixerat in Peloponneso—admirabar cet.* ad Att. VI 2, 3, *Dicaearchi quos scribis libros sane velim mihi mittas; addas etiam* καταβάσεως (εἰς Τροφωνίου) ad Att. XIII 31, 2, *Dicaearchi* περὶ ψυχῆς *utrosque velim mittas et* καταβάσεως: Τριπολιτικὸν *non invenio et epistulam eius, quam ad Aristoxenum misit* ib. 32, 2, 33, 2. See also Tusc. I § 21, § 24, § 51. Varro RR I § 16 speaks of him thus, *Dicaearchus, doctissimus homo, Graeciae vita qualis fuerit ab initio, nobis ostendit*, again, II § 3 *scribit humanam vitam a summa memoria gradatim descendisse ad hanc aetatem*. The work which Varro refers to was entitled βίος τῆς Ἑλλάδος καὶ ἀναγραφή: it contained a description of the geographical and political condition and the manners and customs of Greece in three books. His philosophical writings were it appears mostly in the form of a dialogue and popular exposition.

l. 20. **copiosi**] 'eloquent,' § 48 *copiose sapienterque dicentis*, ep. ad Att. XIII 46, 2 *multa de meo Catone, quo saepissime legendo se dicit copiosiorem factum, Bruti Catone lecto se sibi visum disertum.* Beier understands it of the multifariousness of his writings.

causis eluvionis cet.] 'causes such as inundation etc.' The descriptive or definitive genitive expresses the specific class to which its governing noun belongs, being often nearly equivalent to an apposite, sometimes to an epithet. P. Sch. Gr. p. 413 II § 166, Madvig Gr. § 286 *obs.* 2, Roby Gr. II § 1302, Zumpt Gr. § 425. Cp. Tusc. I § 34 *Ennius mercedem gloriae flagitat ab iis, quorum patres affecerat gloria*, Mur. § 23 *aliis—virtutibus continentiae, gravitatis*, for *continentia, gravitate*, de orat. II § 63 *causae vel casus vel sapientiae vel temeritatis*, de off. I § 119 *genus eorum*, § 152, III § 41, Nägelsbach lat. Stil. p. 274.

vastitatis] 'desolation' i.e. loss of whole armies, such as that of Kambyses in the deserts of Africa, or of Alexander in Gedrosia, prov. cons. 3 § 5 *milites populi Romani—incuria, fame, morbo, vastitate consumpti.*

collectis—deinde comparat] i.e. primum colligit caussas, deinde comparatione docet; so Verg. Aen. II 391 *sic fatus deinde comantem Androgei galeam—induitur*, and below § 52 *expositis adulescentium officiis —deinceps.* Cp. the use of εἶτα and ἔπειτα after a participle.

l. 21. **beluarum repentinae multitudinis**] non tantum ferarum quam cladem Samaritis incidisse legimus in sacris litteris: sed et minorum bestiarum, murium, ranarum, scorpionum, serpentum, talparum, cuniculorum, locustarum. *H.*

l. 22. **genera**] i.e. *gentes.*

comparat] i.e. comparatione docet, ex altera parte ostendit.

§ **17**, l. 24. **cum—habeat**] subj. of conceived cause, P. S. Gr. p. 459, Roby Gr. II § 1726.

l. 25. **nihil habeat dubitationis quin**] Madv. Gr. § 375 c, Roby Gr. II § 1766, P. S. Gr. p. 443: 'the consecutive conjunction quin, *but that* (*qui ne = ut non, cur non*) with subjunctive depends on predications which deny a preventing cause.'

l. 26. **proprium esse virtutis**] 'to be the especial province of virtue,' Madvig Gr. § 290 f., Roby Gr. II § 1280, Zumpt Gr. § 411: cp. de fin. V § 65 *haec ita iustitiae propria sunt, ut sint virtutum reliquarum communia*, de sen. § 35 *id quidem non proprium senectutis vitium est.*

l. 28. The force of *itaque* falls on the second proposition of the sentence *hominum...studia...virtute excitantur*, the things spoken of in the former proposition being such as can be secured otherwise than by means of virtue, so that it is really a subordinate sentence. Cp. I § 2 *de rebus ipsis utere cet.* § 51, III § 14, Madvig Gr. § 438. So in Greek we constantly find two propositions united by μέν and δέ of which the second alone belongs to the context, the first being premised merely to give more effect to the second by its contrast, Buttm. Gr. Gr. p. 396.

l. 30. **artibus tribuuntur**] 'are ascribed to the mechanic arts, as their causes.' 'Aedium constructio, lanificium, belluarum captura, usus, cura cetera suae quidque arti tribuitur, hominum gratiae comparandae ars non est propria quaedam praeter ipsam virtutem.' *Z. Operosis* in opp. to *liberales*, = Gr. τεχναὶ βαναυσικαί.

l. 33. **virorum praestantium etc.**] Ut homines prompti et parati sint ad nostras res amplificandas, id consequemur, si sapientia et virtute aliis praestabimus. *H.* Heine in his latest ed. again reverts to Madvig's reading

given in cr. not. See his Adv. Crit. II p. 240 n. A similar transition from the first to the third person occurs in § 56 *hoc primo incredibile nobis videri sed cum attenderint*, § 39.

P. 67, § 18, l. 1. **etenim**] 'and indeed,' I § 153 l. 27, § 160 l. 31. To prove that the advantages from the goodwill of men for the promotion of our happiness or our advancement are to be secured by our virtue, Cicero shows that the whole work and exercise of virtue consists in three particulars, (1) the improvement of our reason and understanding, which is the work of wisdom and the intellectual virtues, (2) the control and government of the passions and appetites which is the part of temperance and the moral virtues (I § 101), (3) the engaging the respect and affections of men so as to make them eager in promoting our interests, the cultivation of justice, and the social virtues. A similar division is found in the or. part § 76 *est igitur vis virtutis duplex: aut enim scientia cernitur virtus aut actione. Nam quae prudentia, quae calliditas quaeque gravissimo nomine sapientia appellatur, haec scientia pollet una. Quae vero moderandis cupiditatibus regendisque animi motibus laudatur, eius est munus in agendo; cui temperantiae nomen est.—Temperantia autem in suas itidem res et in communes distributa est.* The further definition of the first part of *temperantia* includes *magnitudo animi. In communione autem quae posita pars est, iustitia dicitur, eaque erga deos religio, erga parentes pietas—nominatur*, Sen. ep. 89, 14 *moralem partem* (philosophiae) *in tria rursus dividi placuit ut prima esset inspectio suum cuique distribuens et aestimans, quanto quidque dignum sit,—secunda de actionibus, tertia de impetu.* See Madvig de fin. IV 2, 4 p. 484 ed. 2. The whole of this section is supposed by Facciolati, Chapman and Beier to be spurious.

fere vertitur] = *versatur, constat* 'may be said to consist in,' 'turn on.'

l. 2. **in perspiciendo cet.**] i.e. διανοητικὴ ἀρετή.

l. 5. **alterum cohibere**] for *altera res est in cohibendo*, i.e. temperantia, one part τῆς ἠθικῆς ἀρετῆς. **πάθη**] Aristot. eth. Nic. II c. 5 § 2.

alterum] for altera res, I § 76 l. 17 *haec quidem res—id ipsum.*

l. 6. **appetitiones**] more frequently called *appetitus* as §§ 101, 141.

l. 7. **iis—uti moderate**] i.e. justice, the second part τῆς ἠθικῆς ἀρετῆς.

l. 8. **quorum studiis habeamus**] i.q. *ut eorum studiis habeamus*, final subjunctive after *qui.*

l. 9. **per eosdemque**] for *et per quos item*, § 12 l. 3 n., § 23, Zumpt Gr. § 806.

CHAPTER VI

§ **19**, l. 13. **hanc facultatem—ut teneamus**] the *ut*-clause defines and expands the pronoun, III § 15 l. 18. Translate: 'by what methods we can attain to the power of winning and retaining the affections of our fellow-men.'

l. 15. **neque ita multo post**] Cf. or. pro Caec. § 17, *haud ita multo post*, Liv. I 33, 2, XXI 20, 9, *non ita magnum* de off. III 81, Hor. art. poet. 257 *non ita pridem* 'not so very long ago.'

l. 17. **in fortuna**] i.q. *fortunae*, § 44, de domo § 141 *magna vis est in deorum numine.*

l. 18. **vel secundas ad res vel adversas**] elliptical expression, understand *conciliandas*, Hand Tursell. I p. 122.

l. 19. **prospero flatu eius**] metaphor from the picture of a ship at sea: thus *pervehi* means 'to arrive safe in port,' *affligi* is said of a ship 'running aground' or 'being dashed on the rocks.'

l. 20. **cum reflavit**] 'when she blows contrary.' The perfect expresses

general habit, ch. I § 123 l. 30, § 151 l. 28, P. S. Gr. p. 333, Madvig Gr. § 335 b *obs.* 1. [Cp. Ammian. Marcell. XXXI 13 § 19: *Romani aliquotiens reflante fortuna fallaciis lusi bellorum iniquitati cesserunt ad tempus.* J.E.B.M.]

igitur] resumes the thought of § 2 interrupted by § 3, I § 121, III § 66. Zumpt Gr. § 739.

ipsa] i. e. *sua sponte, sine hominum opibus et studiis* (§ 20), cp. § 84.

l. 21. habet] i.q. *utitur, adhibet.*

ab inanimis] ab is used of the point from which the danger is threatened 'de periculo et malo quod ex aliqua parte vel regione imminet,' Hand Tursell. I p. 51 who compares de div. II § 47 *a nobilitate periculum*, Liv. VI 10, 8 *terrorem assiduum a Volscis fuisse.*

l. 22. ruinas] aedificiorum ac montium. **ictus**] quales sunt scorpionum, phalangionum. **impetus**] ut elephantorum, leonum, ursorum, aprorum, taurorum. *H.*

§ 20, l. 23. at vero] ponitur, negata alia re, ad illustrandam et confirmandam veritatem alius rei. Hand Tursell. I p. 450.

interitus—invidiae] I § 78 n.

l. 24. proxime trium] 'of three lately.' He means the defeat of Pompey the Great, of his eldest son, of Scipio at Pharsalus (August 9th B.C. 48), Munda (April 6th B.C. 46), Thapsus (March 17th B.C. 45) respectively, all by Julius Caesar. See Suetonius Caesar cc. 35, 36.

saepe multorum] i.e. *multorum, quorum alius alio tempore interiit*, 'of many others at many different times,' of many repeatedly, I § 74, § 155, Tusc. I § 74 *tunc Socrati, nunc Catoni, saepe multis.* So *multi—multa* I § 49.

l. 25. summi et singularis viri] Pompey the Great, who after his defeat at Pharsalia fled into Egypt, where he was treacherously murdered (B.C. 48), in his 59th year. Vell. Paterc. II 58 *princeps Romani nominis imperio arbitrioque Pothini Aegyptii mancipii iugulatus est.*

l. 26. saepe expulsiones] hyphen. On this use of adverbs as attributes see Nägelsb. lat. Stil. § 75, p. 201, Draeger hist. Syntax I § 79. Cp. de nat. deor. II § 166 *ipsorum deorum saepe praesentiae*, Pison. § 21 *discessu tum meo—gladii de manibus exciderunt*, Catull. IV 10 *ubi ille* post *phaselus antea fuit comata silva.* St Paul ep. to Tim. I 5, 23 'thine often infirmities.'

l. 27. fugae] voluntaria exilia.

rursusque] § 3.

honores, imperia] 'civil and military offices.'

l. 29. neutram in partem] neither for good nor for harm, § 19 l. 17 *in utramque partem vel secundas ad res vel adversas.*

l. 32. quae...oratio] 'a discussion of which points,' 'a subject which.'

comparetur] jussive subj.

l. 33. ita]=*hac ratione*, 'in this way,' § 24 l. 9, I § 59 l. 16, III § 31, Hand Turs. III p. 487.

§ 21, l. 34. quaecumque cet.] He enumerates six reasons why men render themselves useful to men. The first and fourth, to wit *benevolentia* and *metus*, he makes the subject of § 23—§ 31; the second and third, *honos* and *fides*, the subject of § 31—§ 51; the fifth and sixth, *liberalitas* and *corruptela*, of § 52—§ 85.

P. 68, l. 1. benivolentiae gratia] i.q. *propter benevolentiam.* So in the common expression *honoris causa.*

faciunt] sub. *ea* i.e. *tribuunt*, I § 4 n.

l. 2. suspiciunt] 'look up to' from a lower position, as superior to themselves, opposed to *despiciunt*, I § 36.

quemque] for *et si quem*, I § 16.

l. 3. cui fidem habent et arbitrantur] i.e. *et quem arbitrantur*, cp. § 23 l. 26.

l. 5. ut] 'as for example,' I § 31 l. 27, § 59 l. 19.

l. 6. populares homines] 'demagogues,' I § 85.

largitiones] such as laws for the assignment of the *ager publicus* (leges agrariae), laws for the distribution of corn (leges frumentariae), for the abolition of debt (tabulae novae), gladiatorial shows, public banquets, &c. See cc. 16, 17 and 24.

l. 7. ducuntur] sc. id facientes, I § 6. **quae est—illa quidem**] I § 95, III § 3.

l. 8. ea tenentur]=capiuntur.

§ 22, l. 10. cum, quod—debet, id] Madvig Gr. § 34.

l. 13. atque etiam] supra causas exposuit, quibus adducti homines aliis ea tribuunt, quae ad honestandos eos pertinent; nunc ostendit, quibus rebus permoti se aliis subiciant. Non idem itaque bis dicitur. *H.*

l. 14. alterius] I § 4.

l. 16. spe sibi id utile futurum] sc. *subicere se imperio*, 'in the hope that this their submission will turn to their own account.' The noun *spes* takes the construction of its verb *spero*, de fin. I § 50 *spe nihil earum rerum defuturum*, pro Cluent. § 7 *magna me spes tenet hunc locum portum ac perfugium futurum*, de off. II § 86 l. 25 *observatione quae res soleant prodesse*, § 40 l. 14, de am. § 27 *cogitatione quantum illa res utilitatis esset habitura.* Madvig Gr. § 395, Roby Gr. II § 1352.

l. 18. ut—videmus] in reference to Antony's hiring the services of Caesar's veterans at this time to support the cause of his despotism, and also to people like Clodius and Milo keeping bands of gladiators to support the interests of their party.

CHAPTER VII

§ 23, l. 19. nec aptius est quicquam ad opes tuendas] for *nec aptior est ulla res*, I § 151, § 41: cp. for the sentiment Plin. ep. VIII 24 § 6 *nec de terrore venerati acquiritur, longeque valentior amor ad obtinendum quod velis quam timor. nam timor abit, si recedas; manet amor, ac sicut ille in odium, hic in reverentiam vertitur*, Seneca de clem. I 19, 6 *unum est inexpugnabile munimentum amor civium*, Claudian IV consul Honor. l. 281 *non sic excubiae, non circumstantia pila, quam tutatur amor.*

l. 23. quem metuunt] a line, perhaps from the Thyestes, of Ennius, the reply to it viz. *oderint dum metuant* is quoted I § 97, see Ribbeck trag. lat. rel. p. 71 ed. 2. The metre is trochaic tetrameter catalectic. [Cp. Seneca de ira II 11 § 3 *occurrat hoc loco tibi Laberianus ille versus 'necesse est multos timeat, quem multi timent.' Ita natura constituit, ut quidquid alieno metu magnum est, a suo non vacet...Quidquid terret et trepidat.* J.E.B.M.]

l. 24. multorum odiis] III § 19.

l. 25. nuper est cognitum] by the assassination of Julius Caesar, which however was not brought about, as Cicero would have us believe, by the hatred of the people (*multorum*) but only by that of the *optimates*. Cicero regards the matter with the feelings of a partisan.

l. 26. paretque cum maxime mortuo]=*et cui paret* 'and whom,

though he is dead the state at this very time is subject to,' i.e. by its adherence to Antony and others who set up for avengers of his death, and not only procured the confirmation of his decrees (*acta*), but under pretence of doing so brought about the enactment of several pernicious laws. *Cum maxime* was originally used as a conjunction, meaning 'at the very time when,' I § 41, Verr. II 76, 187 *cum haec maxime cognosceremus—repente adspicimus lituras.* It is also used as an adverb with the meaning of *hoc ipso tempore, nunc ipsum* 'at this very time,' as here and pro Cluent. § 12 *quae multos iam annos et nunc cum maxime filium interfectum cupit,* Verr. IV 38 § 82 *qui cum res maximas gesserit, monumentaque suarum rerum gestarum cum maxime constituat.* See Hand Turs. III 602.

l. 28. ad pestem] i.e. *ad perniciem*, § 51, § 73, III § 34.

l. 30. diuturnitatis]=diuturnae incolumitatis, 'fear is but a poor guardian to the permanent possession, whereas affection is a trustworthy guardian even to the perpetuity, of power.' de leg. agr. III § 8 *si isti agri partem aliquam iuris, aliquam—spem diuturnitatis attingunt.*

§ 24, l. 31. vi oppressos] participle used substantively, Nägelsbach lat. St. p. 88 ff. Cp. II § 43 l. 14 *caesi numerum optinent iure caesorum,* ep. ad fam. XIII 36, 1 *tabulam, in qua nomina civitate donatorum incisa essent,* Tusc. I § 27 *quas* (caerimonias sepulcrorum) *maxumis ingeniis praediti nec tanta cura coluissent nec,* Liv. 31, 36.

l. 32. sit sane adhibenda] jussive subj.

P. 69, l. 1. teneri] sc. famuli.

instruunt] opibus, armis, singularis potentiae praesidiis. *H.*

l. 2. iis nihil potest esse dementius] 'they are as mad as can be.' Cp. de am. § 54 *nec quicquam insipiente fortunato intolerabilius fieri potest.*

quamvis enim cet.] 'for let the laws be ever so much overborne by some one individual's power, let the spirit of freedom be ever so much cowed, yet still they do at some time or other rise to the surface, and recover themselves, either by silent intimations or by the unobtrusive votes of the people concerning an office of state.' *Quamvis=quantumvis,* I § 86, § 105. *Libertas*='sense of liberty,' as *gloria* means 'desire of glory' I § 44, *communitas* 'social spirit' I § 152, Nägelsb. lat. Stil. p. 54.

l. 4. haec] sc. *leges et libertas,* I § 151 l. 9. **iudiciis tacitis**] 'silent declarations of opinion.' Instances of such *iudicia* may be found ep. ad Attic. XI 19. The act of the man who wrote under Brutus' bust 'utinam viveres' would be a *iudicium tacitum.*

l. 5. suffragiis] cum illis honores deferuntur, qui tyrannis maxime invisi sunt. Exemplum habes apud Sueton. div. Iul. 80 *post remotos Caesetium et Marullum tribunos reperta sunt proximis comitiis complura suffragia consules eos declarantium.*

acriores a. morsus s. interm. lib.] Libertas intermissa acrius mordet. Est autem *intermissa libertas,* quae aliquandiu non usurpata fuit. *H.*

l. 6. retentae]=*servatae,* I § 82 l. 2. **latissume patet**] I § 4 l. 26.

l. 9. et privatis in rebus et in re publica] 'both in private and public life.' *Re publica,* not *rebus publicis,* which would mean 'commonwealths,' I § 92, Livy III 38 *suarum rerum erant, amissa publica.*

§ 25, l. 12. quid enim censemus cet.] 'what, for instance, must have been the case with the elder (*superiorem*) Dionysius, with what incessant apprehension and fears must he have been racked, the man who, not daring to venture his throat to any razor, used to have his hair and beard singed off.' *Cruciatu timoris,* 'the torment arising from fear.' Dionysius governed

Syracuse from B.C. 406 to B.C. 367. The same anecdote which is recorded here is also given in Tusc. V § 58, and is told by Valerius Maximus IX 13, 4 with a little variety: *summotis amicis in eorum locum ferocissimarum gentium homines et a familiis locupletium electos praevalidos servos, quibus latera sua committeret, substituit. tonsorum quoque metu tondere filias suas docuit. quarum ipsarum, postquam adultae aetati adpropinquabant, manibus ferrum non ausus committere, instituit ut candentium iuglandium nucum putaminibus barbam sibi et capillum adurerent. nec securiorem maritum egit quam patrem. duarum enim eodem tempore...matrimoniis illigatus neutrius umquam nisi excussae complexum petit, atque etiam cubicularem lectum perinde quasi castra lata fossa cinxit, in quem se ligneo ponte recipiebat, cum forem cubiculi extrinsecus a custodibus opertam, interiorem claustro ipse diligenter obserasset.* Observe that in the phrases *quid censes* (*censemus, censetis*), *quid arbitramur,* when another clause depends on it, *quid* often serves merely to introduce the interrogation; cp. de orat. I § 79 *quid censes, si ad alicuius ingenium vel par vel maius illa accesserunt, qualem illum—oratorem futurum?* pro Rosc. Am. § 49 *quid censes hunc ipsum S. Roscium, quo studio esse in rusticis rebus?*—de leg. agr. II § 45, de nat. deor. I § 82, Zumpt Gr. § 769. Cp. de div. II § 23 *quid vero Caesarem putamus?* or pro Scauro § 43 *quam valde eam putamus coacuisse?*

l. 15. Alexandrum] Alexander tyrant of Pherae in Thessaly, who married Thebe daughter of his elder brother Jason (I § 108) whom he succeeded. He was murdered by his wife with the assistance of her three brothers. The motive assigned by Plutarch was not jealousy, but fear of her husband and hatred of his cruel character. Xen. Hell. VI 4, 35 ἀποθνήσκει αὐτοχειρίᾳ μὲν ὑπὸ τῶν τῆς γυναικὸς ἀδελφῶν, βουλῇ δὲ ὑπ' αὐτῆς ἐκείνης (*ab ea ipsa*), Diod. Sic. 16, 14.

l. 16. ut scriptum legimus] de nat. deor. II § 124 *legi etiam scriptum.*

cum diligeret] 'although he loved.' Roby Gr. II 1730, P. S. Gr. p. 480, p. 482, Madvig Gr. § 358 *obs.* 3.

l. 18. veniens] I 9 *ventitans,* Tusc. V § 59.

et eum quidem compunctum notis Thraciis] 'and him too tattooed like a Thracian' (Herod. V 6 καὶ τὸ μὲν ἐστίχθαι εὐγενὲς κέκριται, τὸ δὲ ἄστικτον ἀγενές). This is stated to give additional colour to the fact of his trusting a set of barbarians more than his own wife. The Thracians were employed as a select guard by some of the Greek τύραννοι, just as the Swiss are to this day employed in France. The Athenians employed Scythians in that capacity.

l. 19. praemittebat—qui scrutarentur] 'used to send in advance—persons to search,' final subj. as in the clause *ne—occultaretur* which depends on *exquirerent=caverent.*

l. 22. stigmatiam] στιγματίας (from στίζω, 'to puncture,' whence στίγμα 'a mark made by puncturing,' ep. ad Gal. VI 17) means a 'branded' or 'tattooed' slave.

miserum, qui—putaret] causal subj.

l. 23. nec eum fefellit] 'nor was he mistaken.' *Fallere* is here used impersonally as pro Sest. § 106 *nunc, nisi me fallit, in eo statu, civitas est,* ep. ad fam. IV 2, 3 *quantum nos fefellerit et quem in locum res deducta sit vides,* ep. ad Attic. XIV 12, 2 *sed nos, nisi me fallit, iacebimus.* Or we may supply *Thebe coniunx* as subject.

ab ea ipsa] see quotation from Xenophon above, § 25 l. 15.

l. 25. quae—possit] consecutive subj. with *qui.*

§ 26, l. 26. Phalaris] Phalaris *τύραννος* of Agrigentum (*Girgenti*) in Sicily, contemporary with Solon. The celebrated controversy between Bentley and Boyle turned on the authenticity of a volume of letters which are extant under his name. He was stoned to death by his subjects, principally at the instigation of Zeno of Elea. Valer. Max. III 3, 2, Ovid Ibis 441. He is spoken of III § 29 as *crudelem tyrannum et inmanem.*

praeter ceteros]=*praeter ceterorum crudelitatem,* I § 76 l. 9.

nobilitata] 'famous,' 'notorious,' I § 14.

l. 27. ex insidiis] i.e. *morte ex insidiis illata.*

interiit—a paucis] as in Greek *ἀποθνήσκειν ὑπό τινος*: Acad. I § 26 *nihil enim valentius esse, a quo intereat.*

l. 28. hic noster] Julius Caesar.

l. 30. Demetrium] Demetrius surnamed Poliorketes, son of Antigogus, king of Macedonia B.C. 294. When he was marching against Lysimachus into the East, B.C. 287, he was attacked by Pyrrhus, and in marching against him he became aware of the disaffection of his own subjects and fled to Greece for safety.

l. 31. Lacedaemonios] Isocr. *περὶ εἰρήνης* § 100 p. 179 *οὐδὲν ἐπαύσαντο τοὺς μὲν ἄλλους κακῶς ποιοῦντες, αὐτοῖς δὲ τὴν ἧτταν τὴν ἐν Λεύκτροις* (B.C. 371, I § 18, § 24) *παρασκευάζοντες ἥν φασί τινες αἰτίαν γεγνῆσθαι τῇ Σπάρτῃ τῶν κακῶν, οὐκ ἀληθῆ λέγοντες. οὐ γὰρ διὰ ταύτην ὑπὸ τῶν συμμάχων ἐμισήθησαν, ἀλλὰ διὰ τὰς ὕβρεις τὰς ἐν τοῖς ἔμπροσθεν χρόνοις καὶ ταύτην ἡττήθησαν καὶ περὶ τῆς αὐτῶν ἐκινδύνευσαν.*

CHAPTER VIII

P. 70, l. 2. verum tamen cet.] the train of thought seems to be this:—'But, tho' I prefer exemplifying my remarks by the history of foreign states than by that of our own, still we ourselves present an example to foreign states of the fact, that power is better secured by love than fear.'

l. 3. beneficiis tenebatur]=obtinebatur, 'supported itself by actions of gentleness.' Sallust Catil. ch. 9 *quod beneficiis quam metu imperium agitabant et accepta iniuria ignoscere quam persequi malebant.* The sentence would have been more regular if the protasis *quamdiu...tenebatur* had had for its apodosis a sentence such as *tamdiu respublica stabat.* But Cicero, carried away by his feelings on this subject, while expatiating on the great evils arising from the altered course of policy, has one long protasis, to which there is no apodosis, till we come to § 27 *sensim hanc consuetudinem amisimus,* and § 29 *atque in has clades incidimus—diligi malumus.*

l. 4. pro sociis] as in the war against the Samnites for Capua, I § 38.

aut de imperio] i.e. *de eo uter imperaret,* and not for the plunder of the provinces.

l. 5. necessarii] i.e. no more than required by state policy, as in the destruction of Carthage, Corinth, I § 35.

populorum, nationum] the latter word includes the former. For *populus* properly refers to community of institutions, *natio* to community of original language.

l. 6. portus erat—senatus] Similarly Plutarch II 317 A calls Rome *πᾶσαν ἀνθρώποις ἑστίαν ἱερὰν ὡς ἀληθῶς καὶ ὀνησιδώραν καὶ πεῖσμα* (*cable*) *μόνιμον καὶ στοιχεῖον ἀΐδιον.* Cp. Sall. Jugurth. ch. XIV.

l. 7. studebant—si defendissent]=studebant defendendis provinciis. For the tense see II § 3 l. 11 n. Zumpt Gr. § 54, § 569.

§ 27, l. 9. patrocinium cet.] Liv. XXXIII 33.

l. 11. iam antea] i.e. before Sulla.

l. 12 amisimus] 'we let slip from us,' 'parted with.'

desitum est videri] 'there ceased to appear.'

l. 13. in illo] i.e. 'in the case of Sulla,' who was justified in taking up arms to restrain the excesses of the party of Marius, but dishonoured the cause by the cruel use he made of his victory. Cp. Sall. Catil. c. XI *postquam L. Sulla armis recepta republica bonis initiis malos exitus habuit,* Vell. Paterc. 2, 25 *putetis Sullam venisse in Italiam non belli vindicem sed pacis auctorem, tanta quiete exercitum per Calabriam Apuliamque cum singulari cura frugum agrorum hominum urbium perduxit.* For this use of *in* cp. I § 139 l. 32 *in multis.*

l. 14. honestam causam] Philip. VIII § 7 *Sulla cum Sulpicio de iure legum* (contendebat), *quas per vim consul Sulla latas esse dicebat;—rursus cum Mario et Carbone, ne dominarentur indigni et ut clarissimorum hominum crudelissimam poeniretur necem,* pro Sex. Rosc. Am. § 16, § 136.

l. 15. hasta posita] Sales by auction took place near a spear stuck in the ground, hence property was said *hastae subici,* or *sub hasta venire,* and *hasta* was used for auctio bonorum or sectio, § 83 l. 16.

l. 16. praedam se suam vendere] Verr. III 35, 81 *unus ad hunc fuit post Romam conditam, cui res publica se totam traderet L. Sulla. Hic tantum potuit, ut nemo illo invito nec bona nec patriam nec vitam retinere posset; tantum animi habuit ad audaciam, ut dicere in contione non dubitaret, bona civium Romanorum cum venderet, se praedam suam vendere.*

l. 17. secutus est] sc. Julius Caesar.

in causa impia] Cicero's remarks upon the war between Caesar and Pompey must always be taken with a certain allowance for party prejudice.

l. 18. non singulorum civium bona—sed universas provincias] *non—sed* does not stand precisely for *non modo—sed etiam,* but Cicero intimates that Caesar's confiscation of private property of his opponents is unimportant as compared with the confiscation of the provinces. For he partitioned the Campanian lands among his soldiers, and disposed of the provinces at his own pleasure, the government of which had hitherto belonged to the senate or the people, § 23. Cp. Tusc. V § 15 *si denique, quod non singulis hominibus sed potentibus populis saepe contigit, servitutem timet,* Liv. XXI 41, 16 *unusquisque se non corpus suum, sed coniugem ac liberos parvos armis protegere putet,* XXIII 5 *non iuvetis nos in bello oportet sed paene bellum pro nobis suscipiatis,* XXII 54, 9 *non vulnus super vulnus sed multiplex clades.*

l. 19. uno calamitatis iure] i.q. *eodem calamitoso statu, condicione, genere* 'one common case, category, or rule of destruction:' a common meaning of *ius* in Gaius and other jurists; not uncommon in Cicero as pro Rull. 3, 2 *libera meliore sunt iure quam serva,* Verr. III 6 *at eodem iure essent quo fuissent,* de off. III § 16, Nägelsbach lat. Stil. p. 38.

§ 28, l. 20. exteris nationibus] Gauls, Greeks, Egyptians, Africans, Spaniards.

ad exemplum] 'as an example, to prove that the Roman people had forfeited their empire,' when their allies were thus trampled upon by Caesar.

l. 21. portari in triumpho Massiliam] Massilia (*Μασσαλία, Marseilles*), a Greek city in *Gallia Narbonensis* on the coast of the Mediterranean, for many centuries one of the most important commercial cities in the ancient world. The Massilians at an early period cultivated the

friendship of the Romans, to whom they always continued faithful allies: accordingly when the S.E. corner of Gaul was made a Roman province they were allowed to retain their independence. They declared for Pompey and the Senate in the civil war, and shut their gates against Caesar when marching into Spain, whereupon they were besieged and taken by him. In the celebration of his *triumphus Gallicus* Caesar had a model of the town borne in procession, a custom alluded to by Persius sat. VI 47

ingentisque locat Caesonia Rhenos,

and by Tacitus ann. II 41 *vecta spolia, captivi, simulacra montium, fluminum, proeliorum.* Mommsen Rom. Hist. III p. 150, Cic. Philipp. VIII § 18 *ne triumphus quidem finem facit belli? per quem lata est urbs ea, sine qua numquam ex transalpinis gentibus majores nostri triumpharunt,* Quintil. inst. or. VI 3 § 61 *ut Chrysippus, cum in triumpho Caesaris eborea oppida essent translata, et post paucos dies Fabii maximi lignea, thecas esse oppidorum Caesaris dixit,* Vell. Pat. II 56.

ex ea urbe triumphari] pass. impers. 'a triumph was celebrated over that city.' Triumphare de and triumphare ex are both common expressions, e.g. Liv. XL 45 *M. Fabius nobilior, qui ex Aetolis triumphaverat,* Cic. Philipp. VIII § 18 quoted above l. 21, Liv. XLV 39 *triumphatum nuper de Philippo est, de Perseo capto, in urbem cum liberis abducto, non triumphabitur?* but the expression *triumphare ex transalpinis bellis* l. 22 is unusual for *t. ex iis trans. gentibus quibuscum bella gesserunt.* We have, it is true, Liv. XLV 39, *de accessione potius belli quam de bello triumphari?* but *de* there marks the occasion.

l. 24. quicquam] 'anything at all,' Teren. Eun. Prol. *si quisquam est qui placere se studeat bonis quam plurimis,* Acad. II § 7 *quod gravius ferremus, si quisquam ullam disciplinam philosophiae probaret praeter eam quam ipse sequeretur,* in Vat. 3 *quasi vero quisquam vir—arbitretur,* Sall. Jug. ch. 45 *Metellus edixit ne quisquam—venderet.* 'Quisquam is used in negative or quasi-negative sentences or after comparatives, or in relative or conditional sentences, where the barest minimum is sufficient to justify an affirmative,' Roby Gr. II 2278.

l. 25. multorum inpunita scelera] patientiam Romanorum reprehendit, Sullae Clodii Pisonis Gabinii aliorumque scelera inulta relinquentium. (*Heusinger.*) Beier after Goerenz reads *multorum* (sc. hominum) *impunitates scelerum* from Nonius s.v. *tollere.*

l. 27. ad paucos] Suet. Caes. 83 *rei familiaris novissimo testamento tres instituit heredes, sororum nepotes, C. Octavium ex dodrante* ('two-thirds') *et L. Pinarium et Q. Pedium ex quadrante* ('one-third)' *reliquo.*

improbos] Antony in particular.

§ 29, l. 29. semen] cp. Lucan Phars. I 158 *publica belli semina.*

causa] 'motive,' not 'pretext.'

hastam illam] He refers to the sale (§ 27) of the property of the proscribed or of those who had fallen in the civil war, Philipp. VIII § 9 *hasta Caesaris multis improbis et spem affert et audaciam: viderunt enim ex mendicis repente fieri divites. Itaque hastam videre semper cupiunt ii qui nostris bonis imminent,* Philipp. II § 642, Sallust Cat. 51.

l. 30. P. Sulla] P. Cornelius Sulla, a nephew of L. Cornelius Sulla, the Dictator, who presided at the sale of confiscated property in his uncle's time (B.C. 82), and again when Caesar was dictator (B.C. 46, ep. ad fam. XV 19, 3). He was elected consul with Paetus for the year B.C. 65 but neither of them entered upon the office, being accused by L. Torquatus of bribery and found guilty. Sulla was accused by the same L. Torquatus of being privy to both of Catiline's conspiracies, and defended by Hortensius and Cicero whose speech on the occasion is still extant. The statement of the advocate contradicts the assertion of the philosopher, for in his speech (§ 72) he says *in illa gravi L. Sullae victoria turbulentaque quis P. Sulla mitior, quis misericordior inventus est? quam multorum hic vitam est a L. Sulla deprecatus?* In the civil war Sulla served under Caesar as legate in Greece.

l. 31. sexto tricensimo] the usual way of expressing the 'thirty-sixth' would be *sexto et tricensimo* or *tricensimo sexto.* Instances in which the smaller number precedes without *et* are infrequent. Madvig Gr. § 74 *obs.* 1, Zumpt Gr. § 118, Roby Gr. I p. 442.

l. 32. alter] another Cornelius Sulla, a freedman of the dictator, who was a secretary in Lucius Sulla's dictatorship (*illa*) and quaestor in Cae ar's (*hac*). He is alluded to in a fragment of Sallust I 49 17 ed. Kritz, viz. the speech of Lepidus against Sulla: *scilicet quia non aliter salvi satisque tuti in imperiis eritis, nisi Vettius Picens et scriba Cornelius aliena bene parta prodegerint.*

l. 33. quaestor] Caesar increased the number of quaestors to 40 (Tac. ann. XI 22), and admitted a crowd of unworthy persons, provincials and freedmen, to the senate (B.C. 45) so that the number of its members was swelled to 900.

l. 35. parietes—metuentes] sc. ne faces sibi subdantur, pro Marc. § 10 *parietes, me dius fidius, ut mihi videtur, huius curiae tibi gratias agere gestiunt.*

P. 71, l. 1. iique ipsi] 'and even these.'

rem vero publicam penitus amisimus] I § 35 *in quo si mihi obtemperatum esset, si non optimam, at aliquam rempublicam, quae nunc nulla est, haberemus.* **vero**] = γε μήν 'however,' frequently used where annoyance is felt or sorrow, Nägelsb. lat. Stil. p. 234.

l. 3. dum malumus] Zumpt, Baiter, Beier and Gruber read *maluimus.* But dum in the sense of 'while' is rarely used with other tenses than the present, even in clauses dependent on infinitives and subjunctives.

l. 5. quod cum] Heusinger and Zumpt regard this *quod* as a relative, to which *benevolentiae vim esse* is epexegetic, Heine and Gruber, as similar to its use in the common expressions *quod si, quod quia* (de fin. I § 67), *quod quoniam* (de fin. III § 59) *quod ni* (de off. III § 108), *quod qui* (I § 44), *quod nisi Metellus hoc tam graviter egisset* (Verr. II 66): in which passages *quod* is to be explained as the old ablative for *quo* with the sense of *qua re,* see Munro on Lucr. I 82.

l. 9. cum honore et fide caritatem] 'the love which is based on respect and confidence,' § 21.

§ 30, l. 11. ad vitam cet.] 'it is to be determined by each man's plan of life, whether etc.' **vitam institutam**] = vitae rationem. The subject to *accommodandum est* is the sentence which follows.

l. 13. certum] = constitutum, I § 38 l. 1.

l. 14. familiaritates] I § 78.

l. 15. nostra mirantium] 'of those who esteem highly our worth.'

l. 16. una] 'above all others,' III § 26 *ergo unum debet esse omnibus propositum.*

l. 17. aeque utrisque prop.] the construction is *haec enim una res prorsus comparanda est, prope modum aeque utrisque. Haec res* refers to what was said in the sentence before, on the necessity of gaining the affection and esteem of men. **utrisque**] i.e. *summis et mediocribus viris.*

CHAPTER IX

§ 31, l. 21. alio libro—qui] for *alio libro, nempe in eo qui—*

l. 22. de gloria...duo libri] now lost, though they existed in the time of Petrarch. They are referred to in a letter to Atticus, xv 27.

l. 24. attingamus] jussive subj. 'let me touch briefly on the subject.'

l. 25. summa et perfecta gloria] true glory, according to the definition of it given by Cicero (pro Marc. c. viii) *illustris est ac pervagata multorum et magnorum vel in suos vel in patriam vel in omne genus hominum fama meritorum.* Elsewhere he says (Tusc. iii 3) *gloria est solida quaedam res: ea est consentiens laus bonorum, incorrupta vox bene iudicantium de excellenti virtute, ea virtuti resonat tamquam imago: quae quia recte factorum plerumque comes est, non est bonis viris repudianda.*

l. 27. dignos] indefinite object.

l. 29. pariuntur a singulis] i.q. *apud singulos* 'with individuals,' (nisi praestat interpretatio Beieri: conciliantur, adipiscimur a singulis. Hand Tursell. i p. 51. Cp. de off. ii § 42 l. 21). Heine compares Ter. Eun. iii 5, 9 *adibo atque ab eo gratiam hanc, quam video velle, inibo,* Allen, de fin. i § 53 *plus in ipsa iniuria detrimenti est quam in iis rebus emolumenti, quae pariuntur iniuria.*

alius quidam aditus] refers to the special precepts given § 45 ff.

l. 31. influere] 'to steal into,' de am. § 96 influebat *in auris.* Nägelsb. lat. Stil. p. 357.

§ 32, l. 32. de illis] iii § 34, Hand Tursell. ii p. 198. **ante]** § 31. **benevolentiae praecepta]** i.q. *praecepta benevolentiae comparandae,* 'rules for obtaining good will,' i § 86 *utilitatis praecepta,* i § 8 *praecepta officii:* cp. note i § 97 l. 23.

P. 72, l. 1. voluntate benefica] =*benefici v.*, an expression like *sapiens excusatio, forte consilium, amantissimus sermo, doctissimi libri, loca innocentia,* concerning which see Nägelsbach lat. Stil. p. 189.

l. 3. ipsa fama et opinione liberalitatis] 'by the mere character and reputation for liberality.' *Opinio* 'the sentiments of others about us,' i § 133 l. 29, ii § 54 l. 27; so *existimatio* is 'that which men think of us,' 'character.' See Nägelsb. lat. Stil. pp. 57, 160.

l. 5. quae pertinent ad mansuetudinem morum] these virtues, *modestia, temperantia, iustitia* are therefore (i § 46) called *virtutes leniores.*

l. 11. causae] sc. sunt.

§ 33, l. 12. fides—ut habeatur—effici potest] consecutive subj.

l. 13. duabus rebus] instead of saying *coniuncta cum iustitia prudentia* Cicero says *si existimabimur* cet.

existimabimur adepti] sc. esse, P. S. Gr. p. 346.

l. 15. nam et iis] the *et* corresponds to the *autem* in *iustis autem,* cp. i § 9, § 44, § 155, de divin. i § 111, Tusc. v § 94—97, orat. § 194—197, quoted by Madvig in his Excursus on de fin. p. 790.

plus intellegere quam nos] Xenophon Cyrop. i 6, 28 *ὃν γὰρ ἂν ἡγήσωνται περὶ τοῦ συμφέροντος ἑαυτοῖς φρονιμώτερον ἑαυτῶν εἶναι, τούτῳ οἱ ἄνθρωποι ὑπερηδέως πείθονται.* *Intellegere* refers to intelligence generally, *futura prospicere* and *consilium ex tempore capere* to its two subdivisions *πρόνοια* and *ἀγχίνοια* respectively, i c. 6.

l. 17. cum res agatur] the subjunctive because of cum suboblique, P. S.

Gr. p. 465 f; otherwise *cum*='whenever' takes the indicative, Roby Gr. ii 1717, cp. § 35 l. 9.

l. 18. expedire rem] i.q. *explicare rem* i § 83.

ex tempore] i.e. *tempori convenienter, sic ut tempus necessitasque postulat,* 'according to circumstances,' Gr. *κατὰ περίστασιν.*

l. 21. ita—ut] 'on condition that,' 'on supposition that,' i § 88 l. 13. On *bonis viris* see n. to i § 20 l. 17.

§ 34, l. 24. Harum duarum] i.q. ex his duabus, i § 151, ii § 23. **ad fidem faciendam]** 'for inspiring confidence.'

l. 27. versutior] § 10 l. 12. *Quo quis* Madvig § 493 a, Roby Gr. ii 2271. **detracta opinione probitatis]** a conditional clause, 'if he be without a character for high principle,' § 32 l. 3.

l. 29. quantum volet virium] =*quantumvis virium,* i § 19 l. 36, Roby Gr. ii 1296 b, Draeger hist. Synt. i p. 449.

CHAPTER X

§ 35, l. 31. sed ne quis sit admiratus cet.] 'but for fear any one should have wondered why, it being a point agreed upon among all philosophers and a common assertion of my own that whoever has one virtue has all,—I now separate them, as if it were possible for any one to be just, who is not at the same time wise; (my answer is that) the nicety of expression we employ, when abstract Truth is the subject of subtle investigation, is one thing, that required, when we are adapting our language entirely to popular opinion, another. On the Stoic doctrine that virtue is one and indivisible cp. Diog. Laert. vii 125 *τὰς ἀρετὰς λέγουσιν οἱ Στωικοὶ ἀντακολουθεῖν ἀλλήλοις καὶ τὸν μίαν ἔχοντα πάσας ἔχειν,* Stobaeus ecl. eth. ii p. 110 *πάσας δὲ τὰς ἀρετὰς, ὅσαι ἐπιστῆμαί εἰσι καὶ τέχναι, κοινά τε θεωρήματα ἔχειν καὶ τέλος—τὸ αὐτό. διὸ καὶ ἀχωρίστους εἶναι· τὸν γὰρ μίαν ἔχοντα πάσας ἔχειν,* an extract from Chrysippus *περὶ ἀρετῆς.*

l. 32. cum constet] cum is concessive 'whereas,' 'although,' § 54 l. 17, Draeger hist. Synt. ii p. 743.

P. 73. l. 1. a meque ipso—sit] de fin. v § 66, Tusc. iii § 14, Acad. i § 38. See Introd. § 18.

l. 2. haberet] ii § 1 n. **habere]** sc. *eum,* § 22.

l. 3. quisquam] ii § 28 l. 24.

qui non idem prudens sit] 'without being wise also.' P. S. Gr. p. 284.

l. 5. cum] i.e. *quae tum est cum.* **veritas ipsa]** 'abstract truth,' in same sort of opposition to *opinio communis* 'popular opinion,' as *disputatio* to *oratio,* i § 4, *disputator subtilis, orator parum vehemens,* i § 132, cp. § 19, Acad. ii § 120 *ut omittam levitatem temere assentientium, quanti libertas ipsa aestimanda est,* § 127 *indagatio ipsa—habet oblectationem.* **limatur]** de fin. v § 12 *duo genera librorum sunt, unum populariter scriptum, quod ἐξωτερικὸν appellabant, alterum limatius.* cp. iii § 13, where we find the same division between philosophical truth and practical rules for the conduct of life. Long before Panaetius the Stoics saw the necessity of such a division (Introd. § 23), Panaetius himself modified their stringent dogmas in several points, Introd. § 27: *quam illorum tristitiam atque asperitatem fugiens Panaetius nec acerbitatem sententiarum nec disserendi spinas probavit.*

l. 7. viros bonos]=iustos. *Boni* when used alone is a technical expression for 'patriots,' as below § 43 l. 13, but *viri boni=iusti,* i § 20 l. 17.

l. 10. eodem modo fecit Panaetius] see Introduction § 27, de fin. IV § 79 *quam illorum tristitiam atque asperitatem fugiens Panaetius nec acerbitatem sententiarum nec disserendi spinas probavit.*

§ 36, l. 12. erat] 'is, as I said,' I § 143 l. 34.

l. 13. pertinerent] II § 1.

cum admiratione hominum] because a person may be preferred to honour by less worthy means or from less worthy motives, as by private interest or for want of a better candidate. See above ch. IX.

l. 15. communiter] 'generally,' **separatim**] 'specially.' So *generatim, summatim, universe,* are opposed to *singillatim, proprie, nominatim,* I § 96. Cp. Nägelsbach lat. Stil. p. 121. *In singulis* explains *separatim,* as Verr. II 69 *ab universa provincia generatimque ab singulis eius partibus.*

illi quidem] I § 2 l. 14, § 60, l. 29, § 66, Draeger hist. Synt. I § 38.

magna et praeter opinionem suam] I § 27 *brevis et ad tempus.* See Nägelsb. l. Stil. p. 201 ff.

l. 21. virtutis—animi—nervorum] 'ability'—'spirit'—'energy.'

l. 22. de quibus male existimant] de nat. d. I § 85 *de homine minime vafro male existimant.*

l. 24. instructos] II § 24 l. 1.

l. 26. qui nec sibi nec alteri] sc. *valent* or *prosunt,* 'who are no good to themselves or their neighbours.' On the omission of the verbal predicate in proverbial expressions see to I § 82, III § 105: and cp. ad fam. VII 31 *res ita contractas, ut quem ad modum scribis nec caput nec pedes,* P. S. Gr. p. 347, Roby Gr. II 1441, Madvig Gr. § 479 d, Draeger hist. Synt. I § 116 p. 201.

§ 37, l. 28. admiratione afficiuntur]=admirationem hominum movent, 'are regarded with admiration.' Admiratio is here used passively, as opinio, II § 32. Lambinus reads *afficiunt,* with indefinite object, but there is no MS authority for the change. Cp. the phrases *honore, laude, praemiis affici,* 'to be honoured,' 'praised,' 'rewarded.'

anteire ceteris] cp. Tusc. I § 5 *qui iis aetate anteibat.* The accusative is more common.

l. 29. cum—tum vero] 'as well—as,' 'as—so more particularly,' Zumpt Gr. § 723, Madvig Gr. § 437 d.

l. 31. maioris partis] sc. *hominum,* 'of the greater part of mankind,' I § 118, § 147, Or. Philip. V. 11 § 16 *quod—offendit animos maioris partis hominum,* cp. II § 71 *omni generi satisfacere,* II § 45 l. 4 *oratio suscepta non de te sed de genere toto* sc. *adulescentium.*

l. 32. detorquent] Hor. Ep. II 1, 127 *torquet ab obscenis—sermonibus aurem.*

dolorum—faces]=ardentissimi dolores, 'the fiery trial of affliction,' cp. Tusc. II. 61 *cum quasi faces ei doloris admoventur,* V § 76 *dolor esse videtur acerrimus virtuti adversarius, is ardentis faces intentat.*

l. 33. praeter modum] 'beyond measure,' de div. I § 100 *cum lacus Albinus praeter modum crevisset.*

l. 35. quae qui—despiciunt, cumque aliqua obiecta convertit, tum cet.] Observe the transition from the relative to the temporal clause, and cp. the combination of a conditional with a relative clause I § 16 *ut quisque maxime perspicit—quique acutissime potest videre, is—haberi solet.* Cp. also Liv. IX 1 § 9. Gruber and Lund read *cum* for *cumque.*

in utramque partem] i.e. without desire and immoderate joy and without fear and grief, below § 43 l. 9.

P. 74, l. 2. quis non admiretur] 'who would not admire?' the hypothetical subjunctive with suppressed condition, P. S. Gr. § 339, Madvig Gr. § 350 a, Roby Gr. II 1536.

CHAPTER XI

§ 38, l. 4. admirabilitatem magnam facit]=*homines valde admirabiles facit.* Cp. below l. 13 *iustitia conficit—admirationem.*

l. 5. ex qua una] I § 20, II § 35.

l. 6. mirifica quaedam] I § 95 l. 29, Zumpt Gr. § 707.

nec iniuria] 'and not without cause,' 'not undeservedly.' Roby Gr. II 1236, P. S. Gr. § 151.

l. 11. igni spectatum] a Platone acceptum qui *ὥσπερ χρυσὸν ἐν πυρὶ βασανιζόμενον* dixit de rep. VI p. 503 A. *H.* Cp. Ovid trist. I 5, 25 *scilicet ut fulvum spectatur in ignibus aurum.*

l. 12. itaque] sets forth the result of the discussion, I § 106.

ad gloriam] 'in relation to glory,' 'as a means of obtaining it,' § 48 l. 27, § 50 l. 25, Quinct. § 91 *ut plus huius inopia possit ad misericordiam* (sc. excitandam) *quam illius opes crudelitatem* (sc. exercendam), pro Mur. § 29 *dicendi consuetudo longe et multum isti vestrae exercitationi ad honorem antecellet.* See for other instances Nägelsb. lat. St. p. 336 ('in relation to office'), Draeger hist. Synt. I § 251, 6 b, p. 581.

l. 13. conficit] in the sense in which *librum, tabulas, iter conficere* is said.

§ 39, l. 18. desiderat—habeat—feras] from the abstract *ratio atque institutio vitae* there is a transition to the personal subject *is qui instituit* (I § 101) and then the same indefinite subject is expressed by the second person *feras,* cp. § 50 *periculosum ipsi est, tum sordidum—committere ut accusator nominere.*

l. 20. nisi speciem prae te boni viri feras] 'unless you are looked upon as an honest man,' cp. *videri* I § 83 l. 7.

solitario homini] 'a recluse,' 'one who shuns society.' '*In agro vitam agens* homo paucorum, *solitarius* nullius hominis convictu utitur' (*Beier*). So *solitudo* often means 'helplessness,' 'friendlessness,' Or. pro Caec. 5 § 13 *qui iam diu Caesenniae viduitate ac solitudine aleretur.*

l. 21. opinio iustitiae] h. e. ut alii eum iustum esse opinentur 'a character for justice,' § 32 l. 3, Nägelsb. lat. Stil. p. 57, p. 160: de orat II § 156 *opinionem istorum studiorum et suspitionem artificii apud eos, qui res iudicent, adversariam esse oratori arbitror.*

l. 22. iniustique habebuntur] 'if they (i.e. the recluse man and the man who lives a retired life) should not possess justice but be considered unjust, they will have no safeguards to protect them and so be exposed to a variety of wrongs.' On the use of que for a disjunctive particle see I § 22 l. 32 n., Draeger hist. Synt. II p. 41.

§ 40, l. 25. contrahendisque] *que*='and generally.'

l. 26. ad rem gerendam] as Lael. § 61 *nec mediocre telum ad res gerendas* (i.e. *ad quaestum exercendum*) *existimare oportet benevolentiam civium.*

l. 27. ne illi quidem] Plato de republ. I p. 351 C *δοκεῖς ἂν ἢ πόλιν ἢ στρατόπεδον ἢ λῃστὰς ἢ κλέπτας ἢ ἄλλο τι ἔθνος, ὅσα κοινῇ ἐπί τι ἔρχεται*

ἀδίκως, πρᾶξαι ἄν τι δύνασθαι, εἰ ἀδικοῖεν ἀλλήλους; οὐ δῆτα: ib. p. 352 c *ἀλλὰ δῆλον ὅτι ἐνῆν τις αὐτοῖς δικαιοσύνη, ἣ αὐτοὺς ἐποίει μήτοι καὶ ἀλλήλους γε καὶ ἐφ' οὓς ᾔεσαν ἅμα ἀδικεῖν, δι' ἣν ἔπραξαν ἃ ἔπραξαν.*

l. 28. scelere pascuntur] 'gain a living by crime.'

sine ulla particula] dicendum erat sine aliqua eam ob causam quod duae negationes *non* et *sine* sensum aientem efficiunt, ut totum intellegatur *debent cum aliqua iustitia vivere*. Cf. Gramm. § 709. *Z*. But surely *sine ulla=cum nulla* yields almost the same sense, 'without any ever so small element of justice,' 'entirely without.' Nägelsb. lat. Stil. p. 130.

l. 29. cuipiam] dative after *eripit*.

l. 30. latrocinio] 'a band of robbers,' Cic. Cat. I § 31 *quodsi ex tanto latrocinio iste unus tolletur* for ex tot latronum numero, cf. Liv. IV 8, 4 *cui magistratui scribarum ministerium subiceretur*, cp. Nägelsb. l. c. p. 47 ff., Draeger hist. Synt. for other instances of the use of abstractum pro concreto.

P. 75, l. 1. interficiatur] coniunctivus in ficto exemplo, vide Gramm. § 524. (*Zumpt.*) I § 82, Madvig Gr. § 347 a.

l. 4. Bardulis, Viriathus] they are designated as robbers by Cicero because they waged a kind of guerilla warfare and not one in the interest of civilisation. Bardulis is called by Diodorus XVI 4 King of the Illyrians. He waged war with Philip of Macedon, Alexander's father, B.C. 359. King Pyrrhus was his son-in-law. Viriathus, the celebrated Lusitanian hero, a man of humble origin, who from a guerilla chieftain rose to be his country's champion against the Romans. His extraordinary successes against the enemy were obtained B.C. 148—146. Gaius Laelius kept the field against him, but Gaius Plautius and after him Claudius Unimanus were vanquished; Quintus Fabius Maximus Aemilianus was more successful, but, when his successor the praetor Quintius took the command, the Romans again suffered defeat after defeat, until Quintus Fabius Maximus Servilianus, the adopted brother of Maximus Aemilianus (B.C. 140), restored the fortune of war. But even after this success the Roman army was attacked while besieging Erisane and defeated by Viriathus, who, however, contented himself, like the Samnite general at the Caudine pass, with concluding a peace with Aemilianus, in which he was acknowledged as the king of the Lusitanians. But Quintus Servilius Caepio, who had succeeded his brother in the command of Further Spain, renewed the war and shortly afterwards was base enough to procure the assassination of the Lusitanian hero by bribing three of his confidants. Mommsen, Hist. Rom. Book IV ch. I p. 13 tr.

est apud Theopompum] I § 87. Theopompus of Chios, the celebrated Greek historian, born about B.C. 378, was the most distinguished of all the scholars of Isocrates. He was the author of a history of Greece (*σύνταξις Ἑλληνικῶν*) in 12 books, a continuation of the history of Thucydides, from B.C. 411 to the battle of Cnidus B.C. 394: *Φιλιππικά*, the history of Philip father of Alexander the Great in 58 books, of the 12th of which an abstract is preserved in Photius. See Müller Fragm. Histor. Gr. p. 278—p. 333 l. 7.

l. 7. C. Laelius] I § 90 l. 35 n.

usurpatur] i. q. *vocari solet*, 'goes usually by the name of,' below § 55 l. 23, Cic. Tim. 11 *Iovem atque Iunonem, reliquos, quos fratres inter se agnatosque usurpari atque appellari videmus.*

l. 8. ferocitatemque eius] for *et cuius ferocitatem*, § 12 l. 3.

facile bellum] i. e. *bellum facile ad conficiendum.*

l. 9. tanta ut firmet] consecutive subj. 'so that.'

l. 11. constituta] i.q. *bene constituta*, 'well ordered.' Cp. *instructos* § 36 l. 27.

CHAPTER XII

§ 41, l. 12. ut ait Herodotus] I 96 of Deioces, the fame of whose justice attracted to him suitors from all quarters, till at last the Medes chose him for their king (B.C. 700).

l. 14. bene morati reges constituti] In this view of the original institution of kingly power Cicero appears here and Invent. I § 2, Tusc. V § 5, Sext. § 91 to have followed his master Posidonius, a passage from whose work *προτρεπτικά* (the groundwork of Cicero's *Hortensius*) is preserved by Senec. ep. XIV 2 (90 § 5) *illo ergo saeculo, quod aureum perhibent, penes sapientes fuisse regnum Posidonius iudicat. hi continebant manus et infirmiorem a validioribus tuebantur.—Sed postquam subrepentibus vitiis in tyrannidem regna conversa sunt, opus esse coepit legibus, quas et ipsas inter initia tulere sapientes.* Cp. de rep. II § 24, Tacitus Ann. III 26 *postquam exui aequalitas et pro modestia ac pudore ambitio et vis incedebat, provenere statim dominationes—quidam statim, aut postquam regum pertaesum, leges maluerunt*, Iustin. Hist. Philipp. l. 1 *principio rerum, gentium nationumque imperium penes reges erat; quos ad fastigium huius maiestatis non ambitio popularis, sed spectata inter bonos moderatio provehebat.*

l. 16. inops] another reading is 'in otio,' 'in time of peace.'

l. 17. confugiebant] Draeger hist. synt. § 100 p. 171.

prohiberet iniuria tenuiores] 'defended the poorer classes from wrong.' *Prohiberet iniuriam a tenuioribus* would have been the more usual construction. Cp. Cic. pro leg. Man. § 18 *est igitur humanitatis vestrae magnum numerum civium calamitate prohibere*, Caesar de B.G. I 15 *hostem, rapinis, pabulationibus populationibusque prohibere*, Hor. Od. I 27, 4 *Bacchum sanguineis prohibete rixis*, ep. I 1, 31 *corpus prohibere podagra*, Livy XXV 15 *agros populationibus prohibere*, Zumpt Gr. § 460. Similarly our word 'to prevent' (*praevenire*) has a double construction: we speak of 'preventing harm,' and of 'preventing a person from harm.'

l. 19. pari iure] 'by an equality of right,' Nägelsb. lat. Stil. p. 60.

retinebat] Hor. Sat. I 1, 89 *si cognatos retinere velis servareque amicos*, de off. II § 24 l. 6.

l. 20. regum] sc. constituendorum. [Cp. Lucian de calumn. 8 *τίς γὰρ οὐκ ἂν ὁμολογήσειε τὴν μὲν ἰσότητα ἐν ἅπαντι καὶ τὸ μηδὲν πλέον δικαιοσύνης ἔργα εἶναι, τὸ δὲ ἄνισόν τε καὶ πλεονεκτικὸν ἀδικίας;* J. E. B. M.]

l. 21. aliter] i. q. alioqui 'otherwise,' I § 139, III § 17.

§ 42, l. 23. minus] a simple negative=*parum, minime.*

quae loquerentur] consecutive subjunctive after *quae.*

l. 25. solitos] sc. *esse.*

l. 26. adiuncto ut] 'if in addition they were thought wise.' *Adiuncto ut=si vero accessisset ut*, cp. Hor. Ep. I 10, 50 *excepto, quod non simul esses, cetera laetus*, de fin. II § 85 *perfecto et concluso neque virtutibus locum esse.* Zumpt Gr. § 647, P. S. Gr. p. 497, Madvig Gr. § 429. Cp. pro leg. Man. § 50 *cum haec quoque opportunitas adiungatur ut in iis ipsis locis adsit* cett. Draeger hist. Synt. II. § 387.

l. 29. retinenda] cp. de invent. I § 3 *fidem colere et iustitiam retinere.*

ipsa per sese] 'for itself alone,' 'for its own sake,' without any expectation of advantage, III § 118.

l. 32. quaerendae—collocandae] 'not only acquiring but also of investing,' pro leg. Man. § 18 *pecunias collocatas habere*, Tac. Ann. VI 17 *duas fenoris partes in agris collocant*. *Collocare* is used with words, like *gratiam, honorem, munus*, in the sense of 'to bestow,' as *καταθέσθαι*, which is properly said of 'depositing' money, is used with words like *χάριν*, in the sense of 'conferring,' 'bestowing.'

l. 34. quae suppeditet] 'that it may supply,' final subj. after *quae*.

l. 35. liberalis] i.e. *qui pertinent ad cultum vitae elegantiorem*.

collocanda ratione est] 'is to be properly employed, turned to account.'

P. 76, l. 1. ratione]=recte, 'with method,' I § 7, § 92, III § 55.

§ 43, l. 1. quamquam] adverbial as a corrective particle, 'and yet' 'however,' serves to introduce a remark, when the preceding train of thought is broken off as useless or superfluous,' Madvig Gr. § 443. It is as if he had said *Quamquam quid demus gloriae praecepta, cum vel Socratis praecepta sequi satis sit?* We use 'though' in a similar way as an adverb, as Shakespeare Mids. N.D. III 2, 343 *your hands than mine are quicker for a fray, my legs are longer though to run away.*

l. 2. Socrates] Xen. mem. II § 39 *συντομωτάτη τε καὶ ἀσφαλεστάτη καὶ καλλίστη ὁδός, ὦ Κριτόβουλε, ὅ τι ἂν βούλῃ δοκεῖν ἀγαθὸς εἶναι, τοῦτο καὶ γενέσθαι ἀγαθὸν πειρᾶσθαι*, I 7, 1 *ἀεὶ γὰρ ἔλεγεν ὡς οὐκ εἴη καλλίων ὁδὸς ἐπ' εὐδοξίᾳ ἢ δι' ἧς ἄν τις ἀγαθὸς τοῦτο γένοιτο, ὃ καὶ δοκεῖν βούλοιτο*; cp. Cyrop. I 6, 22.

l. 3. viam compendiariam] 'a short road.' *Compendium* means 'an abridgement,' 'saving of expense.'

id ageret ut esset] 'should aim at being,' 'endeavour to be,' Madvig Gr. 372 a, P. S. Gr. p. 442. Cp. I § 13 l. 1 p. 18. *Vellet*, dependent and assimilated subjunctive.

l. 4. quod si qui] II § 29 l. 5.

l. 7. radices agit] 'strikes root.'

propagatur] propagines ('layers') rami sunt in terram depressi, ut, radicibus actis, nova ex iis arbor existat fructusque ferat. Sic, quasi vitis, vera gloria, quae factis constat, non solum ipsa firmior indies fit, sed etiam nova spatia acquirit et in altero solo laete efflorescit. Capitalis sententia et iuvenibus firmiter tenenda, ne cito potius ac malis artibus quam paulatim honestoque labore quidquid laudis expetant acquirere velint. (*Zumpt.*)

l. 9. in utramque partem] 'on both sides,' i.e. in reference as well to true as to false glory, § 37 l. 35.

l. 11. Ti. Gracchus] Tiberius Sempronius Gracchus P. F., consul B.C. 177 and 163, the father of the two illustrious tribunes Tiberius and Gaius Sempronius, was born B.C. 210. As propraetor in Spain he carried on the war (B.C. 181—179) with great success against the Celtiberians, whose confidence he afterwards gained by his able, just and humane administration (Liv. XL 35, 44, 47), so that nearly 50 years afterwards they evinced their gratitude towards his son Tiberius. As consul (B.C. 177) he reduced Sardinia to submission (Liv. XLI 8, 12, 17, 28). As censor (B.C. 169) he threw all the *libertini* together in the *tribus Esquilina*, (de or. I § 38 *libertinos in urbanas tribus transtulit, quod nisi fecisset, remp., quam nunc vix tenemus, iam diu nullam haberemus*, Liv. XLV 15). He was himself son-in-law to the elder Africanus, having married his daughter Cornelia, and father-in-law to the younger (Lael. § 101). Cicero mentions him in several passages in terms of high praise as the zealous aristocrat, in opposition to his sons, in whom he sees only the ambitious revolutionist, as de fin. IV § 65 *nemo censebit Ti. Gracchum patrem non beatiorem esse quam filium, cum alter stabilire remp. studuerit, alter evertere*, de orat. I § 211, Brut. § 79.

l. 13. bonis] 'patriots,' I § 20 l. 17, II § 35 l. 7.

numerum optinent] 'rank among,' 'have their position among,' de nat. deor. III § 51 *errantes (stellae) numerum deorum optinebunt*, Brut. § 175 *Cn. Pompeius aliquem numerum optinebat*.

iure caesorum] 'of those who deserved their death,' 'whose murder was justifiable.' Cicero appears to refer to the words of the younger Africanus who being asked *quid de Ti. Gracchi morte sentiret, respondit iure caesum videri*, pro Mil. § 8.

l. 14. qui volet] because futurity is indicated in the leading proposition by the jussive subjunctive *fungatur*, Madvig § 339 *obs.* 1, Draeger hist. Synt. I p. 282.

l. 15. in libro superiore] I § 20—§ 41. *In libro* means 'in part of the book:' *libro* simply would have implied that the whole book was taken up with this subject, Hand Tursell. III p. 271.

CHAPTER XIII

§ 44, l. 16. ut cet.] 'that we may be taken for what we really are,' valued at our true worth: an expression for which *gloriam consequi* is employed because of the antithesis *ut simus ii qui haberi velimus*.

simus] assimilated and dependent subjunctive.

l. 19. ab ineunte aetate] I § 122 l. 16.

l. 20. habet causam] 'finds himself in the position of.' So *in causa esse* I § 112, III § 100.

celebritatis et nominis]=nominis celebris.

l. 21. tibi] III § 6.

aliquo casu atque fortuna] *Casus* ad singulare aliquod eventum, *fortuna* ad rerum complurium concursum pertinet. *H.* 'By some accident or happy combination of circumstances.'

l. 24. nullum nec—nec] I § 66 l. 32, § 92 l. 31, Zumpt Gr. § 754 *note*.

§ 45, l. 26. in hominum ignoratione versatur]=ignoratur ab hominibus. *Hominum* is the subjective genitive, *ignoratione* is used passively, III § 72 l. 1.

l. 28. rectis studiis contendere] 'to strive after them with unswerving zeal,' an expression after the analogy of recto cursu, recto itinere contendere.

quod facient] sc. *contendent*, I § 4.

eo firmiore animo] i.q. *eo confidentius*, 'with the greater confidence.'

l. 30. prima cet.] 'chief,' § 68, cp. pro Muren. § 22 *qui potest dubitari, quin ad consulatum adipiscendum multo plus afferat dignitatis rei militaris quam iuris civilis gloria?* **si qua**] sc. *gloria*, not *commendatio*.

l. 32. in qua] sc. *gloria*. **extiterunt**] 'have risen above others,' 'distinguished themselves,' de or. I § 10 *quo tamen in genere ita multi perfecti homines extiterunt*, § 6 *cur plures in omnibus artibus quam in dicendo admirabiles extitissent*, de orat. III § 101 *id quod erit illuminatum extare et eminere videbitur*.

l. 34. tua aetas]=adulescentia, Hor. ep. I 20, 12. See Introd. § 4. At the battle of Pharsalus B.C. 48 Cicero was sixteen years of age.

id bellum] the civil war between Caesar and Pompey.

l. 35. altera pars] Caesariana: cuius *causam impiam* dixit § 27. **altera felicitatis parum**] Pompeiana, quam fortuna destituit. *H.*

l. 36. alae alteri] if the reading be correct this must mean 'one of the two *alae* or divisions of the allies.' 'The infantry of the *socii* was placed on the wings of the legions, and hence the words *ala*, *alarii* and *cohortes alariae* are employed to designate the whole force of the allies, both horse and foot, and the two divisions were distinguished as *dextera ala* and *sinistra ala*. *Ala* in this sense must be carefully distinguished from *ala* when it signifies the 300 Roman horse which formed the cavalry of the legion and which received their name in like manner from having been in ancient times employed to cover the flanks.' Ramsay Rom. Antiq. p. 385. Heine has the following note: 'the cavalry of the allies (*auxiliares*) was divided into *alae*, containing from 300 to 400 men. In Cicero's day it was usual for young men of the higher class not to enter the legion directly, but to serve first as *contubernales imperatoris*, and they received generally the command of an *ala*. The custom was continued in the time of the Emperors (Plin. Ep. X 19, Sueton. Aug. 38, 46, Claud. 25), and young Cicero received the distinction in his 17th year. Consequently, *alteri* must be expunged, for there were not two *alae* to a legion, but more or less according to circumstances. *Ala altera* could only refer to the half of the army of *socii*, the Italian allies, who were divided into *ala dextera* and *sinistra*, but the difference between *socii* and *legiones Romanae* had ceased, since the Italians had been enfranchised, B.C. 89. *Alteri* was added by some one unacquainted with the division of the army, and to whom therefore *ala* without *altera* appeared unintelligible.'

P. 77, l. 3. pariter cum] i.q. *simul*, simultaneously with,' de orat. III § 10 *ut ille—et vixisse cum rep. pariter et cum illa simul extinctus esse videatur*, Tusc. I § 24 *his sententiis omnibus nihil post mortem pertinere ad quemquam potest, pariter enim cum vita sensus amittitur*. **mihi**]= *a me*.

l. 4. de genere toto] sc. *adulescentium*, § 37 l. 31, § 71; others take it less correctly for *de re tota* ('the general topic') sc. *gloria*.

l. 5. in reliquis rebus] 'in all other relations, where expediency and glory are concerned.'

§ 46, l. 7. persequimur]=*consequi studemus.'*

gratiores] 'more deserving the thanks of people,' § 66 *dicendi facultas et gratior et ornatior*, § 60, Philipp. II § 117 *quam sit re pulcrum, beneficio gratum, fama gloriosum tyrannum occidere*.

l. 8. prima] corresponding to *facillime autem* l. 11.

l. 9 modestia] i.q. *moderatione*, I § 93 *temperantia et modestia*.

l. 11. in optimam partem] 'most favourably.'

l. 12. qui se contulerunt] I § 122.

l. 13. bene consulentes rei p.] I § 145 l. 26 n.

l. 15. delegerint ad imitandum] cp. de orat. II § 93 *nisi aliquem sibi proponerent ad imitandum*.

§ 47, l. 16. P. Rutilii] III § 10 l. 35 n. On the custom of Roman youths attaching themselves to some distinguished man see I § 122.

opinionem] § 32 l. 3, § 34 l. 27.

innocentiae] i.q. *morum integritatis*.

l. 17. P. Mucii] P. Mucius Scaevola, father of the Q. Mucius Scaevola who is spoken of I § 116, de amic. § 3, was consul B.C. 133, the year in which his friend Tib. Gracchus lost his life, pontifex maximus B.C. 131. Cicero states (de orat. II § 52) that *usque ad eum res omnes singulorum annorum mandabat litteris pontifex maximus referebatque in album et proponebat tabulam domi, potestas ut esset populo cognoscendi; ii qui etiam nunc annales maximi nominantur*. His fame as a lawyer is recorded by Cic. in several passages, de orat. I § 234, top. § 6.

nam cet.] The full expression would be de Crasso nihil dico, nam: 'for as to Crassus, he was independent etc.' A common use of *nam* elliptically in occupatio, i.e. to introduce an answer to a supposed objection, cp. I § 46 l. 17, III § 84, Tacitus ann. XIII 21, Tusc. I § 11, IV § 72 with Kühner's note, pro Arch. § 23, pro Balbo § 1, Draeger hist. Synt. II. p. 153 ff.

L. Crassus] L. Licinius L. f. Crassus, the orator, I § 108. He was only twenty-one years old, when he accused C. Carbo (B.C. 119), a man of high nobility and eloquence, who was an object of hatred to the aristocratical party, to which Crassus belonged, de orat. I § 40 *Carbonem quem tu* (Crassus) *adulescentulus perculisti*, ib. III § 74 *ego sum is* (Crassus) *qui omnium maturrime ad publicas causas accesserim, annosque natus unum et viginti nobilissimum hominem et eloquentissimum in iudicium vocarim*, Brut. § 159. Carbo escaped condemnation by poisoning himself (Cic. ep. ad fam. IX 21, Brut. § 103, Verr. III 1). See n. to § 57 l. 25.

l. 20. qua aetate qui exercentur cet.] 'at an age when students who but practise themselves in declaiming (prepare for public speaking) usually win approbation. The clause *qui exercentur* is the subject of *affici solent*.

l. 21. Demosthene] who brought an action against his guardians at the age of eighteen.

l. 22. quod etiam tum poterat cet.] 'which even then (as a young man) he might have been learning in private with credit to himself.' On *meditari* see I § 144; Quintilian frequently uses *declamatio* as a synonym of *meditatio*.

l. 23. poterat]=*ei licebat*.

CHAPTER XIV

§ 48, l. 23. sed cum duplex ratio sit] I § 132.

l. 27. ad gloriam] 'for the acquisition of glory,' § 38 l. 12. *Ea* sc. *contentio orationis*.

l. 28. difficile dictu] 'hard in the saying,' 'difficult to believe,' de am. § 23 *et quod difficilius dictu est, mortui vivunt*.

l. 29. exstant epistulae] § 53. These epistles were as much forgeries as those e.g. of Demosthenes or Phalaris, though Cicero does not appear to doubt their genuineness.

l. 30. Antipatri] Suidas tells us that there were two books of Epistles by Antipater, the father of Cassander, whom Alexander the Great left as regent in Macedonia, when he crossed over into Asia B.C. 334.

Antigoni] Antigonus was one of the generals of Alexander the Great, who became king of Asia. He had two sons, Demetrius Poliorcetes and Philippus, of whom little is known, Plut. vit. Demetr. c. 2.

l. 31. trium prudentissimorum] sc. virorum.

l. 35. universam] sc. *multitudinem*. The MSS have *univ. exc. gloriam*, which is doubtless the addition of a scribe who did not understand the meaning of the words. Others would write *excitat ad gloriam* 'rouses to glorious deeds.' But to say nothing of the phrase *excitat ad gloriam* and *universa gloria* for *gloria apud omnes* being un-Ciceronian, it does not give his meaning, as is shewn by the opposite sentence *conciliet animos* (i.e. singulorum) *comitas affabilitasque sermonis* l. 28.

P. 78, l. 4. ea] sc. *modestia et gravitas*.

§ 49, l. 7. et apud populum] These words are found in only one MS Bern. c. The superlative *maxima* shews that more than two relations are mentioned: moreover the words *cum sint plura causarum genera* indicate that Cicero intended to mention the three kinds of oratory, judicial, demonstrative and deliberative, and this further is rendered probable by a comparison with I § 132 *contentio disceptationibus tribuatur iudiciorum, contionum, senatus*, cp. de orat. I § 31 *populi motus, iudicum religiones, senatus gravitatem*.

l. 9. in iudiciis] i.e. *apud iudices, in forensi genere dicendi*. *iudicia* for *actiones in iudicio habitae* is found also in ep. ad fam. IX 21 1 *quid enim simile epistula habet aut iudicio aut contioni?* Quint. X 1, 70 *illa iudicia aut meditationes*.

l. 11. constat] sc. *ratio iudiciorum*.

quarum] partitive genitive, I § 151, P. S. Gr. p. 418, Roby Gr. II 1290.

defensio] cp. Quintil. Inst. or. V 13 § 2 *non sine causa difficilius est creditum, quod Cicero saepe testatur defendere quam accusare. Primum, quod est res illa simplicior, proponitur enim uno modo, dissolvitur varie: cum accusatori satis sit plerumque, verum esse id quod obiecerit: patronus neget, defendat, transferat, excuset, deprecetur, molliat, minuat, avertat, despiciat, derideat. Quare inde recta fere atque, ut sic dixerim, clamosa est actio: hinc mille flexus et artes desiderantur*.

l. 12. paulo ante] § 47.

l. 13. Antonius] Marcus Antonius, grandfather of the triumvir, frequently spoken of by Cicero together with Crassus as one of the greatest of Roman orators, Tusc. V § 55 *omnium eloquentissimi, quos ego audierim*, or. post red. ad Quir. § 11, de orat. I § 172, Brut. § 138 *sic existimo hos oratores* (Antonium Crassumque) *fuisse maximos et in his primum cum Graecorum gloria Latine dicendi copiam aequatam*, ibid. § 139 sqq. § 215, § 301, § 304. He was born B.C. 143, consul B.C. 99, censor B.C. 97. He belonged to the aristocratical party and consequently, as a supporter of Sulla, was put to death by Marius in B.C. 87. He impeached (B.C. 111) Cn. Papirius Carbo, the father of the partisan of Marius, who when consul had been defeated by the Cimbri B.C. 113—but without success.

Sulpicii] P. Sulpicius Rufus, one of the most distinguished orators (de orat. III § 31, de harusp. resp. § 41, Brut. § 205) of his day, was born B.C. 124 (Brut. § 201). He commenced public life as a supporter of the aristocratical party, but afterwards joined Marius. In B.C. 94 he accused (de orat. § 89) under the *lex Appuleia de maiestate* C. Norbanus, for having, when tribune of the people in the preceding year, created a political disturbance. Norbanus was defended by M. Antonius and acquitted (de orat. II § 197). He was put to death B.C. 88 by Sulla (de orat. III § 11, de leg. III § 20, Herenn. IV § 31). Sulpicius is one of the interlocutors in the 'de oratore.'

l. 14. inutilem] a litotes for *perniciosum*, 'good for nothing.'

§ 50, l. 17. ut ii] sc. *fecerunt*, cp. I § 151, II § 50, III § 46.

l. 18. duo Luculli] § 57 l. 27. Lucius the celebrated conqueror of Mithridates (I § 140 l. 36) and Marcus who was adopted by M. Terentius Varro. They accused the augur Servilius, to revenge their father L. Licinius Lucullus, whom he had convicted of bribery and malversation, Acad. II § 1 *admodum adulescens cum fratre pari pietate et industria praedito paternas inimicitias magna cum gloria est persecutus*, Plutarch Lucull. vit. ch. 1.

l. 19. pro Siculis] in the prosecution of Verres B.C. 70. Brut. § 319 *cum essem in plurimis causis et in principibus patronis quinquennium fere versatus, tum in patrocinio Siciliensi maxime in certamen veni designatus aedilis cum designato consule Hortensio*.

in Albucio] 'in the matter of Albucius,' I § 28.

Iulius] C. Iulius L. f. Sex. n. Caesar Strabo Vopiscus was one of the popular orators (I § 108) and poets of his age. He is introduced by Cicero as one of the speakers in the second book of the 'de oratore.' He commenced his public career B.C. 103, when still young, by accusing T. Albucius who had been praetor in Sicily of *repetundae*: Cn. Pompeius Strabo (father of Pompeius Magnus) had been Albucius' quaestor and wished to conduct the prosecution, but was obliged to give way in the *divinatio* between him and Iulius, just as Caecilius did to Cicero in the prosecution of Verres, div. in Caec. § 63 *Iulius hoc secum auctoritatis ad accusandum adferebat, quod, ut hoc tempore nos ab Siculis, sic tum ille ab Sardis rogatus ad causam accesserat*. Albucius went to Athens in exile (Tusc. V 108 *animo aequissimo Athenis exul philosophabatur*, Brut. § 131). He was satirised by Lucilius on account of his affecting always the Greek language and literature in lines which are preserved by Cicero de fin. I § 9.

l. 20. Aquilio] Manius Aquilius was the colleague of Marius in his fifth consulship B.C. 101. He had obtained an ovation for his success in quelling the insurgent slaves in Sicily B.C. 98, but was in the next year accused of maladministration by L. Fufius and defended by M. Antonius and acquitted, Brut. § 222, pro Flacco 39, de orat. II § 47, Verr. V 1, 3.

semel] sc. *accusare licet*.

l. 21. reip. tribuat hoc muneris] 'let him perform this piece of service for the sake of the public.' Zumpt Gr. § 432, P. S. Gr. p. 419.

l. 23. modus] 'mean,' 'limit,' § 55 l. 25.

l. 24. vel potius] 'I should rather say,' I § 64 l. 7, Roby Gr. II 2216.

periculum capitis inferre] 'to prefer a capital charge against any one.' *Caput* 'civil status,' as in the expressions *capitis minor* (ἄτιμος), *capitis deminutio* = ἀτιμία, 'civil degradation.' Hence *iudicium capitis* is not only a 'capital trial,' but any trial which affects a man's standing as a citizen, and in which condemnation is attended by loss of privileges in the state.

l. 25. periculosum ipsi] 'fraught with danger to the accuser himself,' inasmuch as the prosecutor, if it could be proved that he was guilty of chicanery, was liable to a mulct, or according to the *lex Remmia* to be branded with a C (*Kalumniator*) in the forehead: see Halm pro Am. Rosc. § 55, and comp. Verr. III 1.

sordidum ad famam] 'with regard to' is expressed with adjectives by *ad*, when mention is made of something *external* to the subject, in reference to which the judgment is expressed, Madvig Gr. § 253 *obs.* Cp. § 38 l. 12, § 48 l. 27, de orat. § 200 *nihil ad existimationem turpius*.

l. 26. committere ut nominere] 'to allow yourself to be called,' I § 81 l. 25, § 83 l. 7. The infinitive forms the subject of *sordidum*, as *id* h.e.

periculum capitis inferre is the subject of *periculosum*, or *committere cet.* may be regarded with Heine as being epexegetic of *id.*

nominere] Roby Gr. I § 193, 5, § 234, 2, § 570.

l. 27. contigit] said *in malam partem* as in § 65 l. 2. *Contingere* is more commonly used in a good sense, as in I § 118. See Mayor n. to Philipp. II § 17 l. 9.

M. Bruto] Brutus § 130 *iisdem temporibus* M. Brutus *in quo magnum fuit, Brute, dedecus generi vestro, qui cum tanto nomine esset patremque optimum virum habuisset et iuris peritissimum, accusationem factitaverit, ut Athenis Lycurgus. Is magistratus non petivit, sed fuit accusator vehemens et molestus.* Among the objects of his attack was M. Aemilius Scaurus (pro Font. 13). Cp. de orat. II § 226 *quidquid est vocis ac linguae, omne in istum turpissimum calumniae quaestum contulisti.* The father of this Brutus was an eminent jurist, mentioned by Pomponius as one of the three founders of civil law, he wrote three books *de iure civili*, ibid. § 224.

§ 51, l. 28. atque etiam] § 54, I § 90, § 151.

l. 30. iudicio capitis arcessas] = *periculum capitis inferas* § 50.

l. 33. nec tamen ut...item est habendum religioni] 'still we are not in like manner to be so scrupulous as not to undertake the defence of a guilty person on some occasions, provided he be not depraved and wicked. For it is a law of society that we should do so, it is admitted by usage, and even required by humanity.' **non habendum religioni]** 'we are not to hold it as a matter of scruple;' predicative dative; 71 l. 25, Roby Gr. II 1162, P. S. Gr. p. 394, Madvig Gr. § 249, cp. § 77 l. 13, de div. I § 77 *Flaminius consul ante signum Iovis statoris sine causa repente concidit, nec eam rem habuit religioni.* For *ut—item*, 'as—in like manner' cp. orat. § 202 *ita fit ut non item in oratione ut in versu numerus extet*, Verr. IV 9, 21 *fecisti item ut praedones solent*, Cluent. § 66.

P. 79, l. 1. modo ne] = dummodo ne sit, I § 127 l. 34, 156 l. 27.

l. 6. de philosophia] the same distinction between theory and practice as in § 35.

l. 7. scriberem] § 1 l. 1, Madvig Gr. § 383 *obs.*

l. 8. gravissimo] 'strictest,' 'most austere,' III § 51 *Diogeni magno et gravi Stoico.*

l. 11. saepe alias] 'on many other occasions' III § 86 l. 3, § 47 l. 25 if *saepe* without *alias* be not the correct reading. Alias in Cicero and writers before Pliny always refers to time not place, Madvig de fin. I § 7, Hand Tursell. I p. 223.

l. 12. contra L. Sullae cet.] 'It affords no mean conception of Cicero's boldness, at least in his earlier years, B.C. 80, that at the very opening of his forensic career he ventured to beard Sulla himself. He was only twenty-six years of age, and the fortunes of every one who aspired to distinction in the Common-wealth depended on the interests or caprice of one man. At such a moment Cicero undertook to defend Sextus Roscius of Ameria against Sulla's powerful freedman, L. Cornelius Chrysogonus. All the elder lawyers had refused the brief, fearing the plaintiff's influence and the patron's resentment. Nor although the cause was, technically speaking, a private one, did the youthful orator shrink from public and personal topics. The plaintiff he assailed with strong invective or cutting irony, nor did he altogether spare the patron himself, whom the verdict for the defendant, accompanied as it was by all the demonstrations of popular applause, might justly alarm...That C. incurred no common peril by his hardihood on this occasion appears from his taking the earliest opportunity of going abroad on pretext of his health; that he was aware of his own risk at the time is evident from the satisfaction, with which in his old age he reverts to his success in the cause of Roscius of Ameria.' *Westminster Review*, Oct. 1855.

dominantis] 'when he was playing the tyrant.'

l. 13. extat] 'is published.'

CHAPTER XV

§ 52, l. 15. deinceps] I § 42, § 142.

l. 17. cuius] the singular shews that *beneficentia* and *liberalitas* are regarded by Cicero as one idea, though the repetition of *de* would lead us to expect that he regarded them as separate and distinct: cp. I § 42, II § 1.

opera] § 53 l. 26, § 54 l. 7. l. 18.

l. 18. benigne fit indigentibus] 'kindness is done to the needy' I § 42.

l. 20. lautior] 'more magnificent,' 'showy,' § 54 l. 7, ep. ad. Att. VI, *lautum negotium*, II 18 *Laterensis existimatur laute fecisse*, i.e. 'to have acted nobly.'

l. 21. in utroque] may be taken as either masculine or neuter = *utraque re*, in which case *altera* refers to *liberalis voluntas* = *liberalitas*. Zumpt Gr. § 377. Heine reads *in utraque* sc. *beneficentiae ratione* and makes *altera* refer to *ratio.*

l. 23. largitio cet.] 'the bounty, which proceeds out of our estate, drains the very source which supplies us with the means of being liberal.'

l. 25. usus sis—possis] potential conjunctives.

eo minus in multos] *minus* is to be taken with *multos*, I § 73 *quo minus multa pateant, quae fortuna feriat.*

§ 53, l. 26. virtute] 'ability,' § 36 l. 21.

l. 30. ad bene de multis promerendum] § 65 *ad beneficiis obstringendos homines;* Roby Gr. II 1377, P. S. Gr. p. 429, Madvig Gr. § 414.

praeclare in epistula] The narrative introduces the third ground why personal assistance is preferable to pecuniary, viz. *deterior fit qui accipit* = *largitio corruptela est.* On the letter in question see n. to § 48.

l. 32. accusat] i.q. *reprehendit, obiurgat*, 'takes to task,' III § 90 *is nihil proficiet, accusabit, minabitur etiam.*

quod consectetur] subjunctive in suboblique causal clause, P. S. Gr. p. 459, Roby Gr. II 1744, Madvig Gr. § 357; cp. I § 40 l. 19, II § 76 l. 33.

l. 33. quae te, malum cet.] 'what consideration, plague take it! ever made you entertain such a hope as that?' *Malum* is used parenthetically for quod malum est to express indignation, Philip. I § 15 *quae, malum! est ista voluntaria servitus!* Verr. I 29, 54 *quae, malum! est ista tanta audacia atque amentia?* Roby Gr. II 1081, Draeger hist. Synt. I p. 199.

l. 35. an tu id agis cet.] Zumpt Gr. § 353, Roby Gr. II 2255, P. S. Gr. p. 327, Madvig Gr. § 453.

P. 80, l. 1. bene ministrum] sc. *dixit.*

l. 2. quia sordidum regi] sc. *est.*

praebitor] = πάροχος 'purveyor,' the officer who supplied Roman officials,

when travelling in the provinces, with necessaries, ep. ad Att. XIII 2, 2, Demosth. Philipp. I § 33.

§ **54**, **l. 5. hoc ille filio**] sc. *praecipit*, Madvig Gr. § 479 d, P. S. Gr. p. 346. **putemus**] jussive subjunctive, 'let us suppose.' **praeceptum**] sc. esse.

l. 6. quae constet] assimilated and dependent subjunctive. Heine and Lund read with some inferior MSS *constat*.

l. 7. latius pateat] i.e. plures conplectatur, I § 4.

l. 8. non numquam tamen cet.] notwithstanding what I have just said about personal assistance being better than pecuniary, we must often shew bounty by giving money to fit and deserving persons, when they require our assistance, but in moderation and sparingly.

idoneis] i.q. *dignis. Idoneus* (*ideoneus*) from *ideo* 'fit for the purpose,' *ἐπιτήδειος*, cp. § 62 *in deligendis idoneis iudicium et diligentiam adhibere*, Sall. Cat. c. 51. Cp. Aristot. eth. Nic. IV 1, 22 *ἐλευθέριός ἐστιν ὁ κατὰ τὴν οὐσίαν δαπανῶν καὶ εἰς ἃ δεῖ.*

l. 10. et saepe] I § 22, Draeger hist. Synt. II § 311, 10 p. 21.

l. 12. diligenter] not as Heusinger explains 'cum delectu, non obvio cuique sed dignis,' but 'economically,' 'thriftily,' 'with due regard to our means,' cp. Verr. IV 18, 39 *Diodorus homo frugi ac diligens, qui sua servare vellet*, ad Herenn. IV § 35 *non est ista diligentia, sed avaritia, ideo quod diligentia est accurata conservatio suorum, avaritia iniuriosa appetitio alienorum.* de off. II § 87 *res familiaris debet conservari diligentia et parsimonia.* Cp. Aristotle eth. Nic. IV § 19.

multi—effuderunt] as Milo, Curio, Caesar, Antony.

l. 14. quod libenter facias] for this use of the indefinite 2nd pers. sing. conj. or potent. see Madvig Gr. § 370, P. S. Gr. p. 343. **curare ut id non possis**] consecutive subj. Hence ut non, not ne, is used.

l. 15. atque etiam] I § 90, § 151, II § 51.

sequuntur largitionem rapinae] I § 160. Cicero is thinking of men like Sulla, Caesar (I § 43), Antonius and others of his contemporaries. For the thought cp. Aristot. eth. Nic. IV 1, 33 *ἀλλ' οἱ πολλοὶ τῶν ἀσώτων— καὶ λαμβάνουσιν, ὅθεν μὴ δεῖ, καὶ εἰσὶ κατὰ τοῦτο ἀνελεύθεροι. Ληπτικοὶ δὲ γίγνονται διὰ τὸ βούλεσθαι μὲν ἀναλίσκειν, εὐχερῶς δὲ τοῦτο ποιεῖν μὴ δύνασθαι· ταχὺ γὰρ ἐπιλείπει αὐτοὺς τὰ ὑπάρχοντα. Ἀναγκάζονται οὖν ἑτέρωθεν πορίζειν, ἅμα δὲ καὶ διὰ τὸ μηδὲν τοῦ καλοῦ φροντίζειν, ὀλιγώρως καὶ πάντοθεν λαμβάνουσι· διδόναι γὰρ ἐπιθυμοῦσι· τὸ δὲ πῶς ἢ πόθεν οὐθὲν αὐτοῖς διαφέρει.*

l. 16. alienis bonis] Sallust Cat. c. 52 *bona aliena largiri.*

l. 17. cum—benefici esse velint cet.] § 35 l. 31, subjunctive in concessive clause, P. S. Gr. p. 480, 'where a kind of comparison between the contents of the leading proposition and the subordinate, especially a contrast is expressed,' Madvig Gr. § 358 *obs.* 3. § 79. *Merentur* or some equivalent verb must be supplied before *odia* from *assequuntur*. **studia**] 'affections.' **eorum**] i.e. apud eos.

§ **55**, **l. 20. claudenda—reseranda**] in continuation of the metaphor implied in *arca* § 52 l. 22.

l. 21. modus adhibeatur] jussive subjunctive, 'let a limit be observed, and let this be determined by our means.' **referatur**] I § 31, § 42 l. 9.

l. 23. usurpatum] § 40, *Laelius is qui sapiens usurpatur.*

l. 24. proverbii consuetudinem] i.q. *proverbium usitatum*, I § 33 l. 19, **fundum non habere**] 'has no bottom.' An allusion to the myth of the

Danaides, who were continually employed in pouring water into a perforated cask.

l. 25. consuerunt] sc. *accipere*, 'those who have been accustomed to receive gratuities and others who as yet have received none.' The order is *quum et qui consuerunt* (sc. desiderare) *idem desiderent et idem illud alii.*

CHAPTER XVI

l. 27. duo sunt genera largorum] Aristotle has a chapter on the two characters *ἐλευθέριος*, *liberalis*, and *ἄσωτος*, *prodigus*, Eth. Nic. IV 1.

l. 28. epulis] 'public banquets,' such as were given to the Senate in the Capitol or the different temples and to the people in the Forum, either at the *feriae latinae* or at funerals and such-like occasions. **viscerationibus**] 'distributions of flesh raw or cooked among the people.' **gladiatorum muneribus**] 'gladiatorial shows.' **ludorum**] 'games,' such as the *Circenses* and *scaenici*. **venationum**] 'wild-beast fights,' exhibited in the amphitheatre and circus.

l. 31. eas res quarum sint relicturi] consecutive subj., 'the kind of things of which.'

§ **56**. **l. 34. aes alienum suscipiunt amicorum**] 'take upon themselves (the payment of) the debts of their friends.' Cp. pro Sulla § 56 *aes alienum eiusdem dissolutum est*, § 58 *cuius aes alienum videmus esse contractum.*

l. 35. collocatione] 'giving in marriage.'

re] i.q. *re familiari*, I § 44, II § 73.

Baiter, Heine and others read *in re vel quaerenda vel augenda* with Bern. c. But cp. § 18 *vel secundas ad res vel adversas*, I § 107 *in formis aliis dignitatem inesse, aliis venustatem*, ib. § 4 l. 30 2 *in eoque et colendo sita vitae est honestas omnis et neglegendo turpitudo.*

l. 36. quid in mentem venerit] subj. of oblique question.

l. 37. Theophrasto] I § 3 n.

P. 81, l. 1. multa praeclare] i.e. *dixit* or *scripsit*, § 54 l. 5, I § 144 l. 7.

l. 2. est enim] enim, like *γάρ* epexegetic, introduces the detail of what has been before alluded to, cp. III § 77 p. 123 l. 1.

multus] 'prolix.' Cp. de or. II § 17 *qui in aliquo genere aut inconcinnus aut multus est, is ineptus dicitur*, § 358 *ne in re nota—multus et insolens sim.* Theophrastus' treatise *περὶ πλούτου* is mentioned by Diog. Laert. V 47, and Eustratius or Aspasius Eth. IV 1, Porphyrius de abstinent. animal. IV.

l. 3. apparatione] 'the getting up' i. q. *apparatu*, § 55, I § 25. Cp. the use of the adjective *apparatus* pro Sestio § 116 *ludi apparatissimi magnificentissimique*, Liv. XXXI 4, 5 *ludi Romani scenici magnifice apparateque facti.*

talium sumptuum facultatem] 'it is the means of indulging in such expenses which he considers to be the (principal) advantage of wealth.'

l. 6. Aristoteles] So all the MSS; but no such sentiment is found in Aristotle's works, and his portrait of the *ἐλευθέριος* (Eth. Nic. IV 1) does not accord with it. Hence some think Aristo of Ceos is here referred to. This philosopher (not to be confounded with the Stoic Aristo of Chios mentioned in I § 6) became in B.C. 228 head of the Peripatetic school (de

fin. v § 13); he was the author among other things of *ὑπομνήματα περὶ κενοδοξίας*, in which work it is thought this sentiment might find a place. To the same treatise probably belongs the portrait of the *αὐθάδης*, which the Epicurean Philodemus (*περὶ κακιῶν* § 23 ed. Sauppe) has preserved from him, *τοιοῦτος (ὁ αὐθάδης) γάρ ἐστι, φησὶν ὁ Ἀρίστων, οἷος ἐν τῇ μάκτρᾳ θερμὸν ἢ ψυχρὸν αἰτεῖν μὴ προανακρίνας τὸν συνεμβεβηκότα*, and also the statement in Plut. Cat. mai. 18 *ὃ καὶ μάλιστά φασι τὸν φιλόσοφον Ἀρίστωνα θαυμάζειν ὅτι τοὺς τὰ περιττὰ κεκτημένους μᾶλλον ἡγοῦνται μακαρίους ἢ τοὺς τῶν ἀναγκαίων καὶ χρησίμων εὐποροῦντας.* Orelli refers to Cic. de nat. deor. II § 95 for evidence that Aristotle may have held what is here ascribed to him, and Bernays (die Dialoge des Aristoteles p. 133) conjectures that the passage referred to was in Aristotle's treatise *περὶ πλούτου*: cp. also Pol. VIII 8.

l. 7. nos] Observe the transition from the first person as the indefinite subject to the third person in *attenderint*, and cp. § 17, § 39.

qui—non admiremur] 'for not being surprised at,' causal subjunctive. *Admirari = mirari, insolens existimare*, § 35, III § 75, Madvig de fin. I § 4.

l. 9. qui ab hoste obsidentur] = *obsessi*, 'the besieged;' hence the indicative, Zumpt Gr. § 546. Cp. § 57 l. 19.

sextarium] 'a pint', 'the sixth part of a congius' (= 5·76 pints) the half of which was called *hemina*, the eighth part *oxybaphum* or *acetabulum*, the twelfth part *cyathus*, the 48th part *mystrum*, the 288th part *cochlear*.

l. 10. cogerentur—subveniatur] Cicero often interchanges the conjunctive present and imperfect after verbs like *docet, ait, dicit*, I § 87, II § 1, III § 13 l. 30, § 103, de nat. deor. I § 39 *mundum deum dicit esse—tum eius ipsius principatum, qui in ratione et mente versetur—tum ea, quae natura fluerent et manarent—universitatemque rerum, qua omnia continerentur.*

l. 11. sed cum attenderint] sc. *animum ad rem.* Observe that the expression of surprise does not apply to the contents of each proposition separately, but to the two combined. Madvig Gr. § 438, cp. II § 17 l. 28.

veniam necessitati dare] 'excuse it on the plea of necessity'.

l. 12. in his inmanibus iacturis] 'in the case of these enormous sacrifices.' For the construction *mirari in iacturis* comp. de fin. I § 4 *in quibus hoc primum est in quo admirer.*

l. 13. cum praesertim] has the force of *quamvis*, 'and that too though,' Madvig on de fin. II § 25 *recte—negat umquam bene cenasse Gallonium: recte, miserum, cum praesertim in eo omne studium consumeret*, Mayor Philipp. II § 60, Roby Gr. II 1732.

subveniatur] I § 83 l. 14, II § 14 l. 14.

l. 14. ad breve tempus] I § 27 l. 18, de am. § 53 *coluntur—dumtaxat ad tempus*, ib. § 27 *ad quoddam tempus*, Plin. Hist. N. XXIII 7, 63 *nec stomacho utiles, sed ad breve tempus*, Liv. XXI 25, 24, Zumpt Gr. § 296. Hand Tursell. I p. 126.

eaque a levissumo quoque] i.e. eaque ad stomachum levissimi cuiusque. So Beier, with whom Hand Tursell. I p. 56 concurs. Zumpt makes *levissimus quisque* to refer to the players. I agree with Beier and Heine in thinking that it must refer to the spectators, whom the *largus homo* seeks to gratify, and who are afterwards described as *pueri mulierculae servi cet.* Unger again refers it to the donors themselves, whose *liberalitas* he contrasts with the *benignitas gravium hominum atque magnorum* § 63.

in quo—ipso] 'and even in such,' sc. *levissimo quoque*, not, as Zumpt takes it, *in qua ipsa re sive delectationis genere.*

l. 16. una cum satietate] i.e. *simul ac satietas advenit.*

memoria moriatur] Pis. § 93 *ne suavissimi hominis memoria moretur*, Cael. § 76, ep. ad Att. II 19, 3 *Caesar cum venisset mortuo plausu*, Nägelsb. lat. Stil. p. 375.

l. 17. mulierculis] 'weak women,' ironical diminutive, III § 73, § 89.

l. 18. servorum simillimis] i.e. *servili ingenio praeditis.* Cp. de nat. deor. II § 45 *volgo imperitos et similes philosophos imperitorum.*

§ 57, l. 19. certo] 'steady,' 'guided by fixed principles' and not dependent upon popular opinion: cp. pro S. Rosc. Am. § 83 *certum crimen*, Liv. XXI 31, 12 *incertis* ('confused,' 'indistinct') *clamoribus*, XXXIII 7, XXXVII 29.

ea quae fiunt] § 56 l. 9.

l. 21. iam bonis temporibus] 'so far back as the good old times,' i.e. before the decay of public morals.

l. 22. splendor aedilitatum] 'magnificence in their aedileships,' i.e. in the games with which they entertained the people during their aedileships, which was considered to favour their advance to the remaining *honores*, viz. the praetorship and consulship. For a description of the kind of duties which devolved upon the curule aediles see Cicero himself Verr. V 42.

ab optimis viris postuletur] 'is expected from the best men,' Hand Tursell. I p. 52. The coni. pres. is used because the infinitive *inveterasse* is a present perfect = *in consuetudine esse*, Zumpt Gr. § 515, Kennedy Verg. p. XII. ed. 2.

l. 23. P. Crassus—dives] P. Licinius M. F. P. N. Crassus Dives Lusitanicus, son of M. Licinius Crassus *ἀγέλαστος* (de fin. V § 92, Tusc. III 31), father of the triumvir, I § 25, § 109. He was consul B.C. 98 with Cn. Cornelius Lentulus, and triumphed over the Lusitanians B.C. 93 (in Pison. § 58, pro Planc. § 32), censor B.C. 89 with L. Julius Caesar. In the civil war he sided with Sulla, and put an end to his own life when Marius and Cinna returned to Rome at the end of B.C. 87 (pro Scauro 2, 1, Tusc. V 55, pro Sestio § 48).

l. 25. L. Crassus] L. Licinius L. F. L. N. Crassus, the celebrated orator mentioned I § 108, § 131, II § 47, 63, III § 67, Brut. § 143. He was in all the offices but the tribuneship and censorship, colleague of Q. Mucius Scaevola (I § 116). During his consulship he proposed a law, the *lex Licinia Mucia* (III § 47), to compel all who were not citizens to depart from Rome, the rigour of which law was one of the causes of the Social War. He died B.C. 91, a few days after opposing in the Senate the consul L. Philippus, an enemy of the aristocracy. Crassus was fond of elegance and luxury: and his house upon the Palatium was one of the most beautiful at Rome, furnished with costly works of art. The profuse display which attended his aedileship together with those of Scaevola and Claudius is mentioned in the Verrine orations, IV 59.

l. 26. Q. Mucio] Q. Mucius P. F. P. N. Scaevola, see n. I § 116 l. 5. Cp. Plin. hist. n. VIII 16, 20 *leonum simul plurium pugnam Romae princeps dedit Q. Scaevola P. F. in curuli aedilitate.*

l. 27. C. Claudius] C. Claudius Ap. F. Pulcher (Verr. II c. 49) was curule aedile B.C. 99, and in the games which he celebrated elephants were exhibited for the first time in the circus (Plin. H. N. VIII 7, XXXV 7, Val. Max. II 4 § 6). He became consul B.C. 92. Cicero (Brut. § 166) says of him: *etsi propter summam nobilitatem et singularem potentiam magnus erat, tamen etiam eloquentiae quandam mediocritatem afferebat.* The two

Luculli (II § 50 l. 18) gave an exhibition of elephants fighting with bulls 20 years later. Hortensius, the celebrated orator and Cicero's rival, was aedile B.C. 75, consul B.C. 69. D. Junius M. F. Silanus was aedile B.C. 70, consul B.C. 62. He was stepfather of Brutus, the murderer of Caesar, having married his mother Servilia.

l. 28. P. Lentulus] P. Cornelius Lentulus Spinther was curule aedile B.C. 63, the year of Cicero's consulship; his games were long remembered for their splendour, Val. Max. II 4, 6 *religionem ludorum crescentibus opibus secuta lautitia est. eius instinctu Q. Catulus Campanam imitatus luxuriam primus spectantium consessum velorum umbraculis texit. Cn. Pompeius ante omnes aquae per semitas decursu aestivum minuit fervorem. Claudius Pulcher scaenam varietate colorum adumbravit, vacuis ante pictura tabulis extentam. quam totam argento C. Antonius, auro Petreius, ebore Q. Catulus praetexuit: versatilem fecerunt* Luculli, *argentatis choragiis* P. Lentulus Spinther *adornavit. translatum, antea poenicis indutum tunicis,* M. Scaurus *exquisito genere vestis cultum induxit,* Plin. h. n. IX 34, 19. He was praetor B.C. 60 and propraetor of *Hispania citerior* B.C. 59—58; consul B.C. 57 when he moved for the immediate recall of Cicero, for which Cicero frequently expresses his gratitude (Brut. § 268, pro Sest. § 70, § 114, pro domo § 30); proconsul of Cilicia (B.C. 56—53); and obtained a triumph B.C. 51. In B.C. 49 he sided with the party of Pompeius, and after the battle of Pharsalia followed him to Egypt.

P. 82, l. 1. Scaurus] I § 138 l. 16. His extravagance in the aedileship is noticed by Asconius argum. or. p. Scauro: *aedilitatem summa magnificentia gessit* (B.C. 58), *adeo ut in eius impensas opes suas absumpserit magnumque aes alienum contraxerit.* On the sumptuous theatre which he built for the purpose of scenic representations see Plin. H. N. XXXIV 7, 17, M. Scauri *aedilitate signorum* ∞∞∞ *in scaena tantum fuere temporario theatro,* XXXVI 15, 24, who says that Sulla did more harm by encouraging his prodigalities than by all his own cruelties: *docebimus insaniam eorum* (Caligula, Nero) *victam privatis opibus M. Scauri, cuius nescio an aedilitas maxime prostraverit mores civiles maiusque sit Sulla malum tanta privigni potentia quam proscriptio tot milium. In aedilitate hic sua fecit opus maxumum omnium, quae umquam fuere humana manu facta etc.* Cp. ib. VIII § 24, X § 40.

l. 2. Pompei] In his second consulship (B.C. 55) Magnus Pompeius opened the magnificent stone theatre, built by himself (§ 60 l. 31) with an exhibition of games of unparalleled splendour. They lasted many days, and consisted of scenic representations, gymnastic contests, gladiatorial combats, and fights of transmarine beasts of prey, in vast numbers, 500 lions (if we are to believe Plutarch vit. Pomp. c. 52), 410 panthers and 20 elephants.

CHAPTER XVII

§ 58, l. 3. tamen] *tamen* forms the opposition to *quid mihi placeat vides,* sc. *mihi nihil sane placere.*

l. 4. avaritiae] *avaritia* 'penuriousness' is that form of ἀνελευθερία which Aristotle (Eth. Nic. IV 1, 4) calls περὶ χρήματα ἔλλειψις, inasmuch as τῇ δόσει ἐλλείπει § 18.

Mamerco] Mamercus Aemilius Lepidus Livianus was consul B.C. 77 with D. Junius Brutus, Cic. Brut. § 175.

praetermissio cet.] 'his passing by, declining, the office of aedile caused him the loss of the consulship,' because he was suspected of having declined the aedileship in order to avoid the expense of exhibiting games.

l. 5. consulatus repulsam] I § 97 n., § 71 l. 27, § 138 l. 19.

l. 6. postulatur] sc. *largitio.*

bonis viris] 'men of right judgment,' I § 20.

l. 7. at] 'at all events.'

faciundum est] *id* or *ut largiamur.*

l. 8. nos ipsi] B.C. 69, when Cicero, as aedile, gave an exhibition of three games; pro Mur. § 40, in Verr. V 14 § 36 *nunc sum designatus aedilis —mihi ludos sanctissimos maxima cum cura et caeremonia Cereri, Libero Liberaeque faciundos, mihi Floram matrem populo plebique Romanae ludorum celebritate placandam, mihi ludos antiquissimos qui primi Romani appellati sunt, cum dignitate maxima et religione Iovi Iunoni Minervaeque esse faciundos.*

l. 10. ut Oresti] elliptically for *ut Oresti nuper est adquisita, cui prandia—fuerunt,* cp. § 125. Orestes, a surname of the Aurelian family. The person meant is probably Cn. Aufidius Orestes Aurelianus, consul B.C. 71, so called because he was adopted by Cn. Aufidius.

decumae nomine] 'on pretence of their being a tithe-offering.' It was a Roman custom to offer a tenth of their property or gains upon any great undertaking, or after any signal success (as Plutarch records of Sulla c. 35 and Crassus c. 2), to be expended on a costly sacrifice, generally to Hercules. Hence *Herculanea pars,* 'Hercules' share,' is used as an equivalent to 'a tenth part' by Plaut. Trucul. II 7, 11*. The public came in for a share of the remains of the victims used for such sacrifices, and the entertainments on such occasions were so magnificent, that *polluctura* (Plaut. Stich. V 4, 6), from *polluceo,* the word peculiarly used of 'making such an offering to Hercules,' came to mean simply 'good cheer,' and *obsonare polluctibiliter,* 'to fare sumptuously;' cp. Curcul. I 3, 37 *polluctus virgis,* 'treated with a thrashing.' Orestes made the sacrifice to Hercules merely a pretence for giving such an entertainment, in order to make himself popular.

l. 11. ne—quidem] 'no more;' I § 124 l. 32, § 159 l. 26 n., III § 94, Kühner on Tusc. I § 71, Reid on Cic. Acad. I § 5. M. Seius was a rich Roman knight, a friend of Atticus and Cicero, quaestor along with Q. Hortensius in the year of Sulla's second consulship. In a time of great scarcity during his aedileship B.C. 74 he is said to have supplied the people with corn for a small sum, and the credit which he thus obtained served to retrieve the disgrace (*invidia*) which he had previously fallen into by his condemnation for some unknown offence alluded to pro Planc. § 12 *qui ne equestrem quidem splendorem incolumem a calamitate iudicii retinere potuit,* Plin. H. N. XV 1 *M. Seius L. F. aedilis curulis olei denas libras singulis assibus praestitit populo Romano per totum annum.* On the custom see the comm. on Horace Sat. II 3, 182 *in cicere atque faba bona tu perdasque lupinis.*

l. 12. in caritate] sc. *annonae,* 'in time of dearth of provisions.' Cp. Verr. III 93, 216 *annus in summa caritate fuit.* So *vilitas* is used for 'cheapness of provisions.' Nägelsb. lat. Stil. p. 59.

asse modium] 'corn at one *as* the peck.' The *as* was a pound of copper (*aes*), in value rather less than our penny. We occasionally read in Livy of the aediles selling corn as a sort of gratuity to the people, at the rate of two or four asses (*binis* v. *quaternis aeris*) the peck, which would be considered a very low price ordinarily even in Sicily, where corn grew in

* Cp. Plaut. Bacch. IV iv 14 *facere aliquem Herculem,* 'to give any one a tenth part,' Stich. I 3, 80.

such abundance. Of course the price of corn would be much higher at Rome. See Liv. XXX 26, XXXI 4, 5, 50, 1, XXXIII 42, 8.

l. 13. quando erat aedilis] 'considering he was aedile at the time,' and therefore had the regulation of the provision market. Heusinger observes, 'tali venditione pudori consulebatur eorum qui donatum accipere nolebant,' I § 29. Bonnell would substitute *quoniam* for *quando* both here and de fin. V § 67, maintaining that the latter particle did not have a causal signification until a later age.

l. 15. qui] i.e. *Miloni qui compressit, id ipsum honori fuit, quod compresserit.* The relative clause, which states what was creditable to Milo, is virtually the subject to *honori fuit.* Heine compares I § 71 *concedendum est remp. non capessentibus.*

l. 16. salute nostra continebatur] 'was dependent upon my welfare,' III § 23 n.

P. Clodii] Clodius was the enemy of Cicero, and procured his banishment during his tribuneship. Milo, being tribune the year following, endeavoured to obtain Cicero's recall; which Clodius violently opposed. Both parties collected a band of gladiators, and had recourse to arms. Milo was eventually brought to trial for the murder of Clodius, and defended by Cicero in the celebrated oration still extant.

§ 59, l. 18. in his] sc. largitionibus.

l. 19. Philippus] L. Marcius Q. F. Q. N. Philippus (I § 108, II § 73, III § 87) was one of the most distinguished orators of his time, *summa nobilitate et eloquentia*, pro Planc. § 52, Brut. § 166, *eloquentia honore, gravitate florentissimus civitatis*, pro Quint. 22, 72. His reputation continued even to the Augustan age, Horace Sat. I 7, 46. He was a candidate for the consulship B.C. 93, but defeated by Herennius (Brut. § 166, pro Mur. § 36), consul B.C. 91 along with Sextus Julius Caesar, when he distinguished himself by his opposition to the measure of the tribune Drusus, censor B.C. 86 with M. Perperna. See Dict. of Gr. and Rom. biography Vol. III p. 236 b.

l. 21. dicebat idem Cotta, Curio] 'Cotta said the same and Curio.' See P. S. Gr. p. 364, Madvig Gr. § 213 a *obs.*, Zumpt Gr. § 783 on the asyndeton and cp. I § 43. C. Aurelius Cotta, consul B.C. 65, censor in the year in which Cicero became a candidate for the consulship. He is one of the interlocutors in the 'de natura deorum.' Caius Scribonius Curio (III § 88 l. 2), father of the Curio who took an active part in the civil war between Caesar and Pompey, and to whom several of Cicero's letters are addressed.

l. 22. quodam modo] 'to a certain extent,' because Cicero never arrived at the dignity of the censorship.

l. 23. pro amplitudine honorum] de imp. Pomp. § 2 *cum propter dilationem comitiorum ter praetor primus centuriis cunctis renuntiatus sum*, in Pison. § 3 *me cuncta Italia, me omnes ordines, me universa civitas non prius tabella quam voce priorem consulem declaravit.*

l. 24. nostro anno] 'in my proper year.' A man was said to be elected to a public office *anno suo*, when he gained it at the earliest period at which he was eligible by the *lex Villia annalis*, cp. pro Mil. § 24 *Clodius reliquit annum suum*, or. agr. II § 3 *reperietis eos, qui anno suo petierint, sine repulsa non esse factos* (*consules*). Thus Cicero became quaestor in his 31st year, aedile in his 38th, praetor in his 41st, and consul in his 44th. He often refers to this subject with pride, Pis. c. 1, Brut. § 321, Catil. I § 27.

§ 60, l. 25. atque etiam] I § 90, II § 51, § 54.

l. 26. muri] i.e. *quae in muris fiunt*, I § 76 l. 8.

navalia] sc. *castra*, Gr. νεώρια, 'docks,' cp. *hiberna, stativa.*

l. 28. quamquam] the sentence introduced by this particle stands in opposition to the preceding as well as following clauses: so I § 76 *quamquam haec quidem nec—sed tamen.*

l. 29. praesens] 'personally,' I § 11.

l. 30. gratiora] 'more thankworthy,' § 46 l. 7. 'Gratus means that which is acceptable only in reference to its value with us, as precious, interesting, and worthy of thanks: jucundus, in reference to the joy which it brings us, as delightful.' Doederlein.

l. 31. propter Pompeium] 'on account of Pompey's memory.' Pompey had erected the principal of the three theatres (§ 57, Hor. Od. I 20, 3 ff., Martial VI 9, XI 21, 6) at the south end of the Campus Martius, so looking across the Tiber on the Janiculan and Vatican hills, together with two temples to Venus and Victoria. Tertullian de spectac. cap. 10: *Pompeius magnus, solo theatro suo minor, cum illam arcem omnium turpitudinum extruxisset, veritus quandoque memoriae suae censoriam animadversionem, Veneris aedem superposuit, et ad dedicationem edicto populum vocans non theatrum sed Veneris templum nuncupavit, cui subiecimus, inquit, gradus spectaculorum*, where Oehler quotes Tac. ann. XIV 20, Sueton. Claud. 21, Plin. H. N. VIII 7.

doctissimi] 'the greatest philosophers,' III § 3, de leg. I § 18 *igitur doctissimis viris proficisci placuit a lege.*

l. 33. interpretatus] 'translated,' I § 6 *sequimur igitur Stoicos, non ut interpretes.*

Phalereus Demetrius] I § 3.

l. 34. quod—coniecerit] suboblique causal clause, P. S. Gr. p. 459, Madv. Gr. § 357, Roby Gr. II 1744.

l. 35. propylaea] the προπύλαια or 'vestibule' of the Parthenon on the Acropolis, upon which alone Pericles is said to have laid out 2012 talents = about £500,000.

P. 83, l. 1. de re publica] a part of this work was discovered by Cardinal Angelo Mai in 1822 on a palimpsest. The passage referred to was probably in the 5th Book.

l. 2. tota ratio talium largitionum] i.q. tales largitiones omnes, 'the whole system of largesses of such extravagant amount,' Zumpt Gr. § 678.

l. 3. genere] 'upon the whole,' cp. *genere confusa* § 10 if the reading be correct, see n. *ad l.*

l. 4. tum ipsum] 'even then,' i.e. when circumstances require it, Roby Gr. II 1095, Zumpt Gr. § 270, de fin. II § 65 *cum sua voluntate—ex patria Karthaginem revertisset tum ipsum, cum vigiliis cruciaretur* (where see Madvig); so *nunc ipsum* ep. ad div. XV 40, ad Att. VII 3, 2, VIII 9, 2, XII 16, 40.

l. 5. moderanda] I § 58.

CHAPTER XVIII

§ 61, l. 6. in illo altero genere] c. XVI l. 27.

l. 8. in disparibus causis] 'where the cases are unlike,' I § 46 l. 19, § 61, III § 109 l. 24.

adfecti] 'disposed.'

l. 9. alia causa est eius—et] *et* is frequently found in Cicero after *alius* where *atque* is more common, de or. III § 66 *alia et bona et mala videntur Stoicis et caeteris civibus*, Zumpt Gr. § 340.

l. 10. res meliores quaerit nullis suis rebus adversis] 'seeks to better his condition without labouring under any actual misfortune,' i.e. though he is not actually unfortunate: the ablative of attendant circumstances with adjective as predicate, Roby Gr. II 1242: cp. I § 5 *nullis praeceptis tradendis*, and Kühner to Tusc. III § 34, *ut adversis casibus triplici consolatione sanetur*, Kritz to Sallust. Cat. XI 4 p. 57, P. S. Gr. p. 405, 411 n., Zumpt Gr. § 646.

§ **62**, **l. 12. digni calamitate**] 'deserving of misfortune.'

l. 13. se adiuvari volent] I § 65, § 117, P. S. Gr. p. 449.

non ne]=*non ideo, ne*.

l. 14. restricti omnino cet.] 'we are most certainly not to be close as regards those who require our assistance, not to save them from being utterly ruined, but to enable them,' cet. On the meaning of *omnino* see I § 79 l. 6, § 83 l. 6, § 120 l. 17 and for the literal meaning of *affligere* cp. II § 19. **restrictus** i.q. parcus, 'niggardly,' ep. ad div. III 8, 8 *cum et natura semper ad largiendum ex alieno fuerim restrictior*, pro Planc. § 54 *restrictos et tenaces*, ep. ad Att. XII 2 *an existimas illum in isto genere lentulum aut restrictum?*

l. 15. idoneis] § 54 l. 10. **diligentiam adhibere**] § 138 l. 11.

l. 17. bene facta] cp. Plaut. Poen. III 3, 20: *malo bene facere tantundem est periculum, quantum bono male facere.*

locata] i.q. collocata, I § 49 l. 11 *collocando beneficio.*

§ **63**, **l. 18. in eo—ceteris**] not only will the recipient make a return but all others will be grateful, for the reason given below.

l. 19. temeritate] i.e. in giving without regard to the worthiness or unworthiness of the receivers.

l. 21. bonitas] 'kindheartedness,' opposite to *malitia*.

l. 23. iis beneficiis—quorum memoria prodatur] consecutive subjunctive, 'benefits of such a nature that.'

l. 24. ut—non liceat] consecutive subjunctive, 'so that they may not.'

l. 25. ingratis esse] Madvig Gr. § 393 c, P. S. Gr. p. 449, Roby Gr. II 1357.

immemorem beneficii] Nägelsb. lat. Stil. p. 81.

l. 26. eam iniuriam] sc. ingratitude, *immemorem esse beneficii*, cp. orat. § 68 *etiamsi quorumdam grandis—vox est poetarum, tamen in ea* (*in poesi*) *cum licentiam statuo maiorem esse quam in nobis—tum vocibus magis quam rebus inserviunt.*

in deterrenda liberalitate] 'in the way of discouraging liberality,' I § 20, III § 26, Liv. XLV 41 *maris pericula timere coepi in tanta pecunia traicienda et victore exercitu transportando*, i.e. *quum traicienda...et transportandus esset*, Caesar B. G. V 19 *relinquebatur ut in agris vastandis incendiisque faciendis hostibus noceretur.*

l. 28. haec benignitas—est utilis]=utile est, Madvig Gr. § 398 a.

l. 29. locupletari] *locupletare* is not so much 'to enrich,' as 'to provide with the comforts of life.'

l. 30. ordine nostro] i.e. *senatorio*.

Crassi] § 47, § 57, I § 108. The speech here referred to is that in favour of the bill of Q. Servilius Caepio B.C. 106 for restoring the *iudicia* to the Senate, Ramsay Rom. Antiq. p. 293. Brut. § 164 *illa in legem* (i.e. 'on the bill') *Caepionis oratio, in qua et auctoritas ornatur senatus, quo pro ordine illa dicuntur, et invidia concitatur cet.*, pro Cluent. § 140 *in suasione legis Serviliae summis ornat senatum laudibus, et multa in equites Romanos asperius dicta.*

l. 31. consuetudinem benignitatis] 'common form of charity.'

largitioni munerum] § 25, § 55, § 57.

l. 33. quasi adsentatorum] Levatur hac particula quaedam vocis *assentatorum* (qui fallaces officiorum simulatione se ad populi voluntatem convertunt) offensio, cum largitio munerum aediliciorum fiat optimis viris approbantibus, *blanditiis* autem et *assentationibus benevolentiam civium colligere turpe* iudicetur in Lael. 17, 61. BEIER.

P. 84, § **64**, **l. 1. conveniet—munificum esse**] an indefinite subject understood in the subjective construction, § 67 l. 21, I § 137, II § 17. P. S. Gr. p. 439, Roby Gr. II 2304.

l. 4. contrahenda] § 40 l. 25. This is explained by the words which follow, which must be taken in three pairs after a fashion which Cicero is very fond of, cp. I § 9 l. 21, § 18 l. 26, § 26 l. 14, § 38 l. 26, § 53 l. 24 where a comma should be placed after *fana*, *viae* and *suffragia*, § 58 l. 10, § 115 l. 28, II § 37 l. 33, III § 70 l. 14, cp. Nägelsb. lat. Stil. § 172.

l. 5. vicinitatibus et confiniis] 'in questions arising out of adjoining houses and estates.' '*Confinium* peculiariter denotat spatium 5 vel 6 pedum, agros vicinos separans, quod utriusque commune propter leg. XII tabb. usu capi non poterat.' (*Binkes.*)

l. 6. quantum liceat] viz. in consideration of private interests.

l. 8. liberale] I § 96 l. 10.

paullum de suo iure decedere] 'to abate a little of one's rightful claims,' indef. subject, above l. 1.

l. 11. flagitiosum] i. q. *turpe, dedecus*, I § 159 l. 22.

ita, ut] I § 88 l. 13, II § 33 l. 21, § 72 l. 20.

l. 12. non spoliantem se] 'without robbing oneself,' Madv. Gr. § 424.

l. 13. nimirum]=ni or nisi est mirum 'without doubt,' 'indisputably,' a favourite word with Lucretius, Munro I 277, cp. below § 69 l. 10, § 71 l. 32, Hand Turs. IV p. 204.

l. 14. Theophrasto] probably in the treatise περὶ πλούτου referred to in § 56.

l. 15. domus] this form of the pl. accusative is not uncommon in Cicero; the other form *domos* is invariably used where motion to is implied.

l. 17. externos] *externus* is a foreigner resident in a foreign country: *peregrinus* one who sojourns for a time in a country not his own.

l. 18. vehementer] i. q. *valde*, § 65 l. 29, § 73 *vehementer moderatum.*

l. 19. honeste posse multum] 'to gain great power by honourable means.'

l. 21. quidem] 'for instance,' used like γε or γοῦν to introduce a statement, confirming or illustrating a previous statement, so I § 37, § 90, II § 59, de orat. III § 221 *Theophrastus quidem Tauriscum quendam dicit actorem aversum solitum esse dicere*, de sen. § 30 *Cyrus quidem apud Xenophontem eo sermone cet.* ib. § 12, Kühner n. on Tusc. I § 116.

Cimonem] the son of Miltiades. Cp. Plutarch Cimon 10, Pericl. 9, Corn. Nep. Cim. 4. 'He was' says Cicero 'liberal (not only to strangers, but) even to members of his own ward.'

Athenis] in opp. to *in urbe nostra* l. 18.

curialis] = *δημότας* (in Latin commonly rendered by *pagani*), i.e. members of a *δῆμος* or 'ward,' of which there were in Attica 174 distributed among the twelve tribes or *φῦλαι*. The *δῆμος Λακία* was in the tribe *Οἰνηΐς*.

l. 24. devertisset] for the tense see P. S. Gr. p. 485 and cp. note to § 3 l. 11.

CHAPTER XIX

§ 65, l. 25. opera, non largitione] § 52.

l. 27. in iure cavere] sc. *alicui, ne consultores capiantur* (pro Mur. § 22), 'to attend to a person's interests in law.' Lawyers (*iuris consulti*) were said *in iure cavere alicui* when they gave him legal advice on any case, and prescribed the proper forms (*formulae*) of pleading, de leg. I § 17 *non id quaerimus—quem ad modum caveamus in iure aut quid de quaque consultatione respondeamus.* The words *consilio iuvare* are probably a gloss.

l. 29. vehementer] § 64 l. 18, § 73 l. 30. Cp. the use of *ἰσχυρῶς* in Greek, Xen. Anab. I 7, 15 *διώρυχες βαθεῖαι ἰσχυρῶς*, i.e. exceedingly deep, Herod. IV 108 *γλαυκὸν πᾶν ἰσχυρῶς ἐστὶ καὶ πυρρόν.*

l. 31. praeclara] i.e. *cum multa maiorum* (*sunt*) *praeclara, tum* (*illud praeclarum est*) *quod.*

l. 33. cognitio atque interpretatio] 'the study and explanation.' See de orat. I 44, 45 for a lengthened commendation of the study of law. In the speech *pro Murena* c. 9 ff. we find Cicero depreciating it in comparison with the military art.

l. 34. ante hanc confusionem temporum] i. q. *ante horum temporum confusionem*, 'until the present unsettled times.' Cicero constantly laments over the diminished influence of the aristocracy; not very justly, for they grossly abused their power. None of his observations on this subject are more unjust than this particular one, on the extended knowledge of the law.

l. 35. principes] 'the leading men of the state,' the patricians in whose hands the knowledge of the *ius civile* was originally. A certain Cn. Flavius, secretary to Appius Claudius Caecus and afterwards aedile, first promulgated generally the legal *formulae*. See Livy IX 46 *Cn. Flavius...civile ius, repositum in penetralibus pontificum, evulgavit fastosque circa forum in albo proposuit, ut, quando lege agi posset, sciretur*, de orat. I § 186 *veteres illi qui huic scientiae* (iuris civilis) *praefuerunt, obtinendae atque augendae potentiae suae causa pervulgari artem suam noluerunt; deinde, postea quam est editum* (*ius*), *expositis a Cn. Flavio actionibus cet.*, pro Murena § 25, ep. ad Att. VI 1 § 8, ib. § 18, Val. Max. II 5, 2 and IX 3, 3, Pliny nat. hist. XXXIII § 6, 17.

P. 85, l. 1. idque eo indignius] sc. *factum est.*

l. 2. contigit] § 50.

esset] i. q. *viveret*, de orat. III § 132 *cum esset Hippocrates ille Cous.* The person here meant is Servius Sulpicius Q. F. Lemonia Rufus, a friend (Philipp. IX c. 7) and contemporary of Cicero, to whom several of his letters are addressed, and from whom there are two to Cicero, one the well-known letter of consolation on occasion of his daughter Tullia's death.

He was the most celebrated jurist of his time (Mucius Scaevola was a little older): his excellence as a lawyer is specially recorded by Cicero in a passage of the *Brutus* § 153 *hic enim attulit hanc artem omnium artium maximam* (scientific treatment), *quasi lucem ad ea, quae confuse ab aliis aut respondebantur aut agebantur.* In B.C. 51 he was elected consul with Cl. Marcellus. When Cicero defended Murena, Sulpicius was one of the prosecutors.

l. 3. superiores] 'his predecessors.'

scientia] 'in legal lore.'

§ 66, l. 6. dicendi [gravior] facultas] The word *gravior* looks very like an interpolation, originally a *v. l.* of *gratior*. Zumpt, however, retains it with this explanation: 'gravior quidem quoniam minus ad subtilitates iuris privati descendit, sed vel contra has, si opus sit, gravitate sua pugnat.'

l. 8. vel admiratione audientium vel spe indigentium] 'in respect of the admiration of those who listen to it, or the expectation of those who need it, or the gratitude of those who have been defended by it.' For the double ablative cf. § 58.

l. 9. eorum, qui defensi sunt] § 56 l. 9, § 64 l. 22, Nägelsb. lat. Stil. p. 89.

l. 10. in toga dignitatis principatus] i. q. *p. d. in pacis artibus*, 'the first rank among civil professions,' I § 77. The same sentiment occurs de orat. I § 15 *erant autem huic studio* (*eloquentiae*) *maxima, quae nunc quoque sunt, exposita praemia vel ad gratiam vel ad opes vel ad dignitatem.*

l. 11. facile laborantis] i. e. *libenter*, 'one who readily, willingly, takes pains,' § 75 l. 23, ep. ad Att. XII 34, 1 *ego hic vel sine Sicca facillime possem esse, ut in malis*, XIII 26, 2 *locum habeo nullum, ubi facilius esse possim quam Asturae.*

quod in patriis est moribus] 'as is among, one of, the customs of our forefathers,' in reference to *gratuito defendentis.*

l. 12. non gravate] 'without reluctance.'

et gratuito] 'and with no remuneration,' i. e. *sine ullo honorario vel palmario.* In early times (*in patriis moribus*) no *patronus* used to take a fee from his client, but, as this custom fell into disuse, a compulsory law (*lex Cincia muneralis*) was passed (B.C. 204) by M. Cincius Alimentus tribune of the commons, which enacted *ne quis ob causam orandam pecuniam donumve accipiat*, de sen. § 10, Tac. ann. XI 5, XIII 42, XV 20, Liv. XXXIV 4, Dio 54, 18 *καὶ τοὺς ῥήτορας ἀμισθεὶ συναγορεύειν ἢ τετραπλάσιον, ὅσον ἂν λάβωσιν, ἐκτίνειν ἐκέλευσεν.* In Cicero's time it was not unusual to receive a *palmarium.* So in the Paradoxa VI 2, 46 among the characteristics of the *homo quaestuosus* his *mercedum pactiones in patrociniis* are especially named.

§ 67, l. 14. admonebat me res ut cet.] = *re admonente deplorabam*: 'my subject was very nearly suggesting to me...only etc.' An indic. past tense is used in apodosis to express an action begun, but hindered by another action which appears in a conjunctive protasis with *nisi*, or *si*. Here the verb conditioned is a dependent verb, Madvig Gramm. § 348 *b*, Zumpt Gr. § 519, P. S. Gr. § 214 II 1 n. p. 471.

hoc quoque loco] Cicero frequently deplores the decay of eloquence, as Brut. § 21, § 157, § 331.

l. 15. intermissionem—ne dicam interitum] 'the discontinuance, not to speak of it as the utter extinction.'

l. 16. de me ipso aliquid—queri] qui eloquentiae tanta ornamenta debeo, eaque curia, foro, rostris pulsa, minore dignitate sum, iamque minus regnare videor. *H. aliquid* is used for *quid* after *ne* for the sake of definiteness, Zumpt Gr. § 708, 2.

l. 17. quibus extinctis oratoribus quam in paucis spes] Cornelius Nepos Attic. XVIII 3 *notans qui a quo ortus, quos honores quibusque temporibus cepisset*, de off. I § 81 *quid agendum sit cum quid evenerit.*

quam in paucis spes] 'how few there are of good promise.'

l. 19. audacia] refers to their 'presumption' in undertaking what they are not competent to perform; Cicero, Brut. § 330, names such *impudentes procos eloquentiae.*

omnes non possint] for *non omnes possint*, I § 39, § 49, III § 33, § 88, § 114, de div. II § 94.

l. 21. licet—beneficia petentem] sc. *pro iis*, 'by canvassing for minor civil offices for them.' 'The subject cannot be expressed with the infinitive when it is an indefinite person, for the Romans had no word to express the English 'one,' French 'on,' German 'man,' and hence we say *ignoscere amico humanum est* 'to forgive a friend is human.' But even in this case the verb *esse* and those denoting 'to appear,' 'to be considered' or 'called' require the predicate, if it be declinable, to agree with the non-expressed subject in the accusative (cp. I § 92 l. 2, § 99 l. 5), Zumpt Gr. § 608 l. 5, cp. § 601 for the varying construction with *licet*, Roby Gr. II 1357.

commendantem (eos) iudicibus] as *advocati* before the court. Observe the asyndeton *iudicibus magistratibus*, and cp. § 59 l. 21, Zumpt Gr. § 783.

l. 22. eos—qui consuluntur]=*iuris consultos*, § 56 l. 9.

l. 25. industria] officiorum promptitudo ac facilitas opera nostra indigentes adiuvandi. BEIER.

§ 68, iam illud] in the form of *praeteritio=nihil dico de, omitto.* For the accusative *illud* after *admonendi* see Zumpt Gr. § 385, P. S. Gr. p. 380, Madvig Gr. § 228 c.

l. 26. est in promptu] 'is obvious,' § 74 l. 14, I § 5, § 61.

l. 28. offendant] 'hurt their feelings,' 'disoblige,' I § 99.

saepe enim] I § 50 l. 22, § 101 l. 24, Draeger hist. Synt. § 350, 6. a.

l. 29. si inprudentes] sc. *hoc* faciunt, i.e. *laedunt*, 'if unwittingly,' Verg. georg. I 373 *numquam imprudentibus imber obfuit.*

neglegentiae est] I § 68 l. 22, Madv. Gr. § 282.

l. 30. adversus] i.q. *erga*, I § 33, § 98, Madvig Gr. § 283 *obs.* 2.

l. 31. quacumque possis] sc. *uti*, potential conjunctive.

qua re—necesse fuerit] subjunctive of oblique question dependent upon *excusatione*, § 22 l. 16, § 86 l. 25.

l. 32. nec aliter facere potueris] 'and you could not have done otherwise.' Nepos Alcib. 4, 2 *inimici illud tempus expectandum decreverunt, quo exisset, itaque fecerunt*, Zumpt Gr. § 32 n.

l. 33. officiis] 'good turns,' 'kind services.'

id, quod violatum videbitur] i. q. *cum alterius violatione factum* or *in quo violati sibi videntur*, 'the offence given,' III § 3, I § 32 *quae liberantur*, ad fam. V 8, 3 *si quae inciderunt non tam re quam suspitione violata* (i. e. *quibus violati sumus*), *ea sint evolsa ex omni memoria vitaque nostra*, Nägelsbach lat. Stil. p. 262.

CHAPTER XX

P. 86, § 69, l. 1. aut mores—aut fortuna soleat] I § 81 l. 33, P. S. Gr. p. 364, Madvig Gr. § 213 b. *obs.* 1.

l. 2. dictu quidem est proclive] dictu est facilius, quam factu. *Itaque est et ita. H.*

l. 4. collocandis] 'investing,' § 42, § 87.

fortunam sequi] 'to look to the outward circumstances.'

l. 5. honesta oratio est] 'their words are specious,' it is all very fine to say so, but *natura rerum* (l. 10) contradicts them. Cp. Ter. Andr. I 1. 114, Liv. I 4, *deus auctor culpae honestior.*

l. 6. inopis] 'without resources or interest,' opp. to *potentis*, called *tenuis* § 70 l. 20.

et optimi]=eiusdemque optimi.

l. 7. in opera danda] i.e. *in adiuvando.*

l. 9. propensior] I § 105.

fere] 'for the most part,' 'as a rule,' § 18 l. 1, I § 61 *ornatu fere militari*, de orat. II § 142 *video enim in Catonis et in Bruti libris nominatim fere referri quid alicui de iure viro aut mulieri responderint.*

l. 11. referre gratiam] ἀποδοῦναι χάριν, 'to return a favour' in act, *g. agere*, in words *g. habere*, in heart=ἔχειν χάριν, 'to feel gratitude.'

l. 12. commode] sc. *dixit:* I § 38, 'it was an apt saying, whoever was the author of it:' the saying is quoted by Cicero in two other passages, pro Planc. § 68 *dissimilis est pecuniae debitio et gratiae; nam qui pecuniam dissolvit, statim non habet id, quod reddidit: qui autem debet, is retinet alienum; gratiam autem et qui refert habet et qui habet in eo ipso, quod habet, refert*, and post red. ad Quir. § 23, where however F. A. Wolf followed by Baiter and Halm doubt its genuineness. The point of the saying consists in the play upon the meaning of *habere*, in the two phrases *habere pecuniam* and *habere gratiam*. A man ceases to have possession of money (*habere pecuniam*), as soon as he has repaid it (*reddidit*), whereas he still retains a sense of a favour (*habet gratiam*), after he has returned it (*reddiderit*) and has repaid it in some sort, if he do but retain a grateful remembrance of it: for, as Seneca de benef. II c. 31 says *cum omnia ad animum referamus, fecit quisque quantum voluit*, ibid. c. 24, *nec referre potest gratiam nisi qui meminit, et qui meminit iam refert.* Cp. Milton *Par. Lost* IV l. 55 ff. 'a grateful mind By owing owes not but still pays, at once Indebted and discharged.'

l. 13. reddidisse] sc. pecuniam.

l. 15. beatos] 'blessed with abundance,' 'who have everything they want,' Gr. ὀλβίους, de nat. deor. II 95 *instructa rebus iis omnibus, quibus abundant ii, qui beati putantur*, ep. ad Att. I 19.

l. 16. obligari] 'to be bound by,' 'under obligations to.' So Tacit. Germ. c. 21 *gaudent muneribus sed nec data imputant nec acceptis obligantur.*

l. 17. quamvis magnum]=*vel maximum*, 'be it ever so great a favour,' I § 86 *quamvis graviter.*

aliquod] sc. *beneficium.*

l. 18. a se postulari] § 57.

l. 19. patrocinio se usos] sc. *dici.* Translate: 'what is more, it is

even death to them to have it said that they are indebted to patronage, or called dependents.'

mortis instar putant] 'they reckon it the same as,' 'as bad as death,' Madvig Gr. § 280 *obs.* 6. Observe the climax *quin etiam—atque etiam—vero*, Seyffert schol. lat. I p. 27.

§ **70**, **l. 20. at vero ille tenuis cet.]** 'the man, on the other hand, of slender means, whom we spoke of (so l. 11 *inops ille*, § 83 *ille Graecus*), in that he supposes, whatever is done, to be done from a regard to himself and not to his outward circumstances, takes pains to appear grateful not only to him who has obliged him, but, as he needs many to help him, to them also from whom he expects similar favours.'

cum—putat] *cum*=quandoquidem, ἐπειδήπερ, 'in that he supposes,' cp. de or. II § 154 *quo etiam maior vir habendus est, cum illam sapientiam constituendae civitatis duobus prope saeculis ante cognovit.*

l. 22. meritus] i.e. *bene de eo meritus*, I § 149.

l. 23. multis] sc. *hominibus*.

gratum se videri studet] i.q. *gratus videri studet*, § 24, I § 65.

l. 24. videndumque illud est, quod] 'moreover, there is this fact to be observed, that' etc. *Videndum est quod* has just the same force as *adde quod* and brings in a reason for what has before been advanced; it is not the same thing as if Cicero had said *sciendum est manere gratiam*, as was shewn by Bishop Copleston in his *Reply to the calumnies of the Edinburgh Reviewer against Oxford* (1810) long before Madvig (Opusc. II 234) drew attention to the point. Cp. Zumpt Gr. § 616 *note* 1, ep. ad fam. III 8, 6 *an mihi de te nihil esse dictum umquam putas? ne hoc quidem, quod—Taurum ipse transisti.*

que] 'moreover,' I § 87, § 103, § 108.

l. 25. in uno illo cet.] 'the favour does not extend farther than the man himself or, it may be, to his children.'

l. 26. si forte] 'if it so happen,' 'it may be,'=εἰ τύχοι; pro Milon. § 104 *hicine vir patriae natus usquam nisi in patria morietur aut, si forte, pro patria*, cp. § 75 *si quando*.

l. 27. inopem] sc. defenderis.

omnes non improbi] i.e. qui quidem non improbi sint, § 51, III § 100.

l. 28. quae magna in populo multitudo est] i.q. *quorum magna in p. m. e.*, 'and there is a great proportion of these among the people,' cp. I § 14 *quam similitudinem=cuius rei similitudinem.*

§ **71**, **l. 30. collocari]** § 69, I § 49.

l. 31. omni generi] § 37 l. 31, 'all sorts and conditions of men.'

l. 32. si res in contentionem veniet] 'if it come to a comparison between two parties,' I § 152.

nimirum]=*utique, sine dubio*, 'in apodosi adiectum sententiae addit confirmationem' Hand Tursell. IV p. 205. Cp. pro Mur. § 32 *si diligenter, quid Mithridates potuerit—consideraris omnibus regibus—hunc regem nimirum antepones. Nimirum* (=*ni* or *nisi est mirum*) is a favourite word with Lucretius, who uses it generally in drawing what he thinks a certain conclusion from what precedes, cp. above § 64 l. 13.

l. 34. consuleretur] sc. *ab aliquo*.

bono viro pauperi] i.e. *bono v. qui pauper sit*, above l. 27.

l. 35. collocaret]=*collocare deberet*, 'he should give in marriage,' P. S. Gr. p. 339 (indefinite subject, implied from the unexpressed object of *consuleretur*, § 56 l. 4). Corn. Nep. Eum. ch. VI 1 *ad hunc Olympias, cum litteras et nuntios misisset in Asiam consultum, utrum regnum repetitum in Macedoniam veniret* (=venire melius esset) *et eas res occuparet.*

ego vero] I § 89, III § 33. 'When the protasis supplies the place of a question, *vero* is introduced in the apodosis merely to shew that it contains the answer, e.g. Cic. pro Flacco, § 100, pro Mur. § 9.' Zumpt Gr. § 716.

P. 87, l. 2. corrupti...divitiarum] Juv. sat. VI 291 *saevior armis luxuria incubuit victumque ulciscitur orbem; nullum crimen abest, facinusque libidinis ex quo paupertas Romana perit*, Lucan. Pharsal. I 160 f. *namque ut opes nimias mundo fortuna subacto intulit et rebus mores cessere secundis*, Livy praef. § 9, § 12 *nuper divitiae avaritiam et abundantes voluptates desiderium per luxum atque libidinem pereundi perdendique omnia invexere*, Hor. od. IV 4, 35.

l. 3. quarum magnitudo quid...pertinet] 'but what does the large fortune of another concern any one of us?' i. e. so as to make us estimate him accordingly.

l. 4. adiuvat] sc. *magnitudo divitiarum*.

ne id quidem] sc. facit, i.e. *adiuvat*.

l. 5. fac iuvare] sc. *eum magnas divitias*, 'assume that it does help him,' Vergil Aen. IV 540 *quis me autem, fac velle, sinet?*

utentior sane sit] 'he may, it is true, have more money to spend.' We have another example of the adjectival use of the present participle in the comparative degree in the word *parentiores* I § 76, for same in the positive degree used adjectively cp. II § 11 *ratione utentia*, § 15 l. 31 *valentium*. *Uti* is frequently used in the sense of 'spending money,' 'supplying one's wants,' as Hor. ep. I 7, 57 *et quaerere* (i.e. quaestum facere) *et uti*, Terent. Adelph. V 9, 24 *tu tuum officium facies atque huic aliquid paululum prae manu dederis, unde utatur*, Plaut. Trinum. II 2, 74 *deum virtute habemus qui nosmet utamur*, Cic. ep. ad Att. XI 2 *hoc ipsum prope consumptum est; quare id quoque velim cum illa videas, ut sit qui utamur* i.e. *quod sit in sumptum*, de amic. § 22 *ceterae res, quae expetuntur, opportunae sunt singulae rebus fere singulis, divitiae ut utare* ('riches are for spending'), *opes ut colare cet.*, de fin. II § 57 *M. Crassus, qui solebat uti suo bono.*

l. 6. quod si] Zumpt Gr. § 342 n., § 806, Madv. Gr. § 449, Roby Gr. II 2209 e, and p. 379 *n.* See also Munro's note on Lucretius I. 82.

l. 7. modo ne adiuvent] sc. *ut iuvetur*, 'let not his riches be a hindrance, only I would not have them be a help, a motive, to his being served.' Cp. I § 89, § 105.

sitque omne iudicium] 'but our decision must entirely depend upon etc.' I § 22 l. 32.

l. 8. extremum autem praeceptum cet.] i.e. in beneficiis, quae ex opera danda constant, extremo loco praecipiendum est, ne amicum iniuste facientem adiuves aut defendas. *Z. Extremum*=summum.

l. 9. ne quid contendas] i.e. *ne qua in re consequi studeas* 'not to be eager to do anything.'

l. 10. pro iniuria] 'in support of a wrong.'

CHAPTER XXI

§ 72, l. 14. quae ad singulos spectant] i.e. quod est eorum quae cet. 'which refer to, concern individuals,' i.e. are done to them, *quae ad universos pertinent*, 'services which concern, i.e. are done to a body of men.' Among the ancients every public officer, as he was an unpaid functionary, was considered to be performing an act of *opera*, *munus*, *officium*, *beneficium* to the State.

deinceps] I § 42.

l. 16. eorum autem] sc. *quae ad remp. pertinent.*

partim...partim] used as a partitive adjective, Zumpt Gr. § 271, Madvig Gr. § 284 *obs.* 4.

l. 17. ut ad universos cives pertineant] i.e. iis prosint.

singulos ut attingant] 'that they affect (i.e. are done to) individuals,' I § 48, § 46, § 157, Verr. V 32, 83 *nomen populi Romani cum officiis, fide, vetustate, tum etiam cognatione attingere.* Contingo is used in the same sense by Liv. XXXIV 22 *haec consultatio...Romanos nihil contingit.*

l. 18. omnino] 'most certainly' used like a stronger *quidem* concessively, but drawing a distinction in a subsequent clause, ep. ad Att. XIII 48 *veretur...*ἀλόγως *omnino, sed veretur tamen*, Tusc. II § 35 *sunt finitima omnino* (labor et dolor), *sed tamen differunt aliquid*, de off. I § 79, § 83, § 120, § 133, II § 62, pro Sest. § 84 *pulsi nos eramus, non omnino ista manu sola, sed tamen non sine ista.* Nägelsb. lat. Stil. § 195 a.

l. 19. utrisque] i.e. *et universis et singulis ut consulatur.* Translate 'we ought certainly to endeavour that the interests of both be provided for and those of individuals no less than those of the community at large.' With *si possit* understand *fieri* 'if it be possible:' so Tusc. I § 23 *cuperem utrumque si posset*, Acad. II § 121 *negas sine deo posse quicquam;* the ellipsis is common in the phrases *ut solet*, *ut adsolet*. Zumpt understands *dari*.

l. 20. ita, ut—ne] '*ut ne* (occasionally *ne*) is used when a precaution or restriction is to be indicated, especially with *ita* preceding, Cic. Verr. II 30 *Minucius sciebat ita se rem augere oportere ut ne quid de libertate deperderet*, Liv. XVII 61 *ita admissi sunt in urbem, ne tamen senatus iis daretur*, VII 31 *ita vobiscum instituti amicitiam par est, ne qua vetustior amicitia—violetur*, i.e. 'on the understanding that no etc.,' pro S. Rosc. § 55 *verum tamen hoc ita est utile, ut ne plane inludamur ab accusatoribus.* For the correlation *ita—ut*, see I § 28 n.

l. 21. C. Gracchi] Gaius Gracchus was tribune of the commons B.C. 122. His elder brother Tiberius is referred to in I § 76, the two together in II § 43. 'G. Gracchus enacted, that every buyer who should personally present himself in the Capitol, should thenceforward be allowed monthly a definite quantity—apparently 5 *modii* (1¼ bushel)—from the public stores, the modius being given at 6¼ asses (*senis et trientibus*=3*d*.) or not quite the half of a low average price: for which purpose the public corn-stores were enlarged by the construction of the new Sempronian granaries. This distribution—which consequently excluded the burgesses living out of the Capitol, and could not but attract to Rome the whole mass of the burgess-proletariate—was designed to bring the burgess-proletariate of the Capitol, which hitherto had mainly depended on the aristocracy, into dependence on the leaders of the movement party and thus to supply the new master of the state at once with a body-guard and with a firm majority in the Comitia.' Mommsen Hist. Rome III p. 108 n. Cp. Tusc. III § 48, pro Sestio § 103.

l. 22. magna largitio] sc. *erat*.

exhauriebat] 'had a tendency to drain.'

l. 23. M. Octavii] Marcus Octavius Cn. F., a contemporary of the Luculli (not to be confounded with M. Octavius Caecina, the colleague of Tiberius Gracchus in the tribuneship), lived B.C. 120, after the time of the younger Gracchus. Brut. § 222 M. Octavium Cn. F. *qui tantum auctoritate dicendoque valuit, ut legem Semproniam frumentariam populi frequentis suffragiis abrogaverit.*

§ 73, l. 27. neque] for *neve*, I § 92 l. 1.

publice] 'by public authority.'

l. 28. perniciose] he should have said *egit*, but the intervening clause (*cum—praebuit*) is the occasion of an anacoluthon—*sed cum in agendo etc.* Cp. III § 97 *utile videbatur Ulixi—sed insimulant cet.*

Philippus] I § 108, II § 59, III § 87.

l. 29. legem agrariam] an agrarian law was an enactment for dividing among the Plebs a certain portion of the *ager publicus* or State Domain, consisting of land taken by conquest from the enemy at various times. Thus the *lex Licinia*, one of the earliest agrarian laws, proposed that no one should occupy as tenant of the state (*possideret*) more than 500 jugera of the public land, and that the remainder should be allotted as property to the poorer classes. These agrarian laws related only to the public land, occupied and rented by the patricians, as *possessores*, and had nothing to do with private property. This is a subject of great importance, and one which has been much misunderstood. See Dict. Antiqq., Art. *ager publicus*, and *lex agraria*.

ferret] 'proposed,' 'moved for leave to bring in,' not *perferret*, 'carried.'

antiquari] 'to be rejected.' When a law was under discussion each voter received two *tabellae*, 'voting tickets,' on one of which was marked the letter A, the initial of the word *antiquo*, i.e. *antiqua probo*, 'I prefer the old state of things,' and, if he voted against the Bill, he used this ticket or the letters VR, the initials of the words *uti rogas*, i.e. 'let it be as you ask,' and this he used if he was favourable to the measure. Ramsay, Rom. Ant. p. 108.

l. 30. vehementer se moderatum praebuit] 'behaved with extreme moderation.' So I § 66 *vehementer arduas*, II § 64, § 65 *vehementer utile*, Zumpt Gr. § 264 *n.* 1.

sed] I § 105, III § 97.

l. 31. illud male] i.e. *dixit*, § 62 l. 16, § 69 l. 12.

l. 32. rem] i.q. *rem familiarem*, 'property,' I § 44 n.

capitalis] 'culpable,' 'criminal,' 'deserving severe punishment.' *Capitale* is *id quod ad caput pertinet aut ad poenam capitis*, I § 41 *totius autem iniustitiae nulla capitalior est, quam eorum qui tum, cum maxime fallunt, id agunt ut viri boni esse videantur.*

l. 32. ad aequationem bonorum pertinens] 'tending to communism.' For the assertion that all the property in the senate was in the hands of 2000 rich men was fitted to stir up the numerous poor against the rich.

l. 34. sua tenerent] sc. *homines*, § 56 l. 4, § 71 l. 34, I § 28 l. 25.

l. 35. nam etsi] on the sentiment see n. to I § 158.

P. 88, l. 1. spe custodiae rerum suarum] Observe the double genitive, and cp. I § 142. *Urbium* is the genitive of further definition

after *praesidia*, I § 152 l. 8, Madvig Gr. § 286, Draeger hist. Synt. § 202, 2, P. S. Gr. 273.

§ 74, l. 4. aerarii tenuitatem] 'the impoverished state of the exchequer.'

l. 5. tributum] 'a property tax,' being a percentage levied upon the fortune of each Roman citizen, as rated by the censors: its proceeds were chiefly applied to provide for the expenses of war (Liv. IV 60, V 10, VI 32). There had been no occasion to levy a *tributum* since the subjugation of Macedonia by Paullus Aemilius B.C. 167, by which the treasury was well replenished (§ 76 l. 4). All tolls also (*portoria*) had been discontinued since Pompey's victory over Mithridates B.C. 60, according to the provisions of the *Lex Caecilia* enacted by Q. Caecilius Metellus Nepos. Cicero's presage, that there might be an occasion for renewing these burdens upon the citizens, was fulfilled in the year following, B.C. 43, when a war tax was laid upon the people, the treasury having been impoverished by the frequent demands made upon it by Caesar and Antony, Sueton. Caesar c. 43.

l. 6. sin quae necessitas] *si quis* is substantival, *si qui* adjectival. See note on aliquis I § 115 l. 26.

huius muneris] sc. *tributi* 'this duty,' 'state-burden.'

l. 7. malo enim ita] i.e. *alicui*. So de fin. II § 61 *fecerit Torquatus, si, ita vis, propter suas utilitates—malo enim ita dicere quam voluptates*, ad fam. III 10 *pro tua dignitate, malo enim ita dicere quam pro salute*, ad Att. XIII 42, 1 *cur pateris—malo enim ita dicere quam cur committis*. Madvig thinks *ita* or *sic* required in the former, Wesenberg reads *ita* in the latter of the passages quoted. Translate: 'I had rather say so than forebode evils to our own commonwealth.' Observe that the first part of the parenthesis—*malo enim ita quam nostrae ominari*—refers to *alicui reip.*; in the second part he recalls the words which he has just uttered, as uncalled for, because he is speaking of the state in general and not of any state in particular.

neque tamen] i.e. quamquam non, though this remark is not necessary, for etc., III § 86, de fin. III § 74 *nec tamen quicquam est quod moveri possit*.

l. 12. ad victum] the *procuratio annonae* is recognised by Cicero as a duty of magistrates, in the discharge of which, however, they are not to exhaust the resources of the state.

l. 14. disputare] 'to discuss,' III § 11.

in promptu] 'obvious,' § 68, I §§ 5, 61, 95.

tantum locus attingendus fuit] 'the subject needed only to be touched upon,' i.e. hinted at. On *locus* see I § 160 n.

§ 75, l. 16. caput] 'the chief thing.' Cp. de am. § 45 *caput esse ad beate vivendum securitatem*, de orat. I § 87 *caput enim arbitrabatur esse oratoris ut etc.*, ib. § 150, de div. II. § 117 *quod caput est*.

l. 17. avaritiae] 'self-seeking,' opp. to *abstinentia* § 76, to *liberalitas* § 64 where it signifies 'meanness.'

l. 19. Pontius] Caius Pontius Herennius, the Samnite general, who surprised a Roman army and made them pass under the yoke at the Caudine Pass (*furcae caudinae*) B.C. 321, Liv. XI 2. He was taken prisoner by Q. Fabius Maximus 29 years afterwards, and, in the triumph of the consul, led in chains and then beheaded. Zumpt suggests that Cicero is quoting from the *Origines* of Cato.

l. 21. ne] '*ne* (*val*) 'verily' in affirmation is found almost always at

the beginning of a sentence, and followed by a pronoun. Zumpt Gr. § 360 n., Key Gr. § 862.

l. 22. multa saecula] not 'many centuries,' but 'many generations of men' (πολλὰς γενεάς) (each consisting of 33⅓ years, the average duration of human life), since only 144 years intervened between the death of Pontius B.C. 292, and the enactment of the *lex Calpurnia de repetundis* B.C. 149.

expectanda fuerunt] 'must have been waited for.' P. S. Gr. p. 336, p. 486.

modo] of an indefinite length of time, here of upwards of 70 years, I § 26.

l. 23. facile] 'readily,' 'gladly,' § 66 l. 11.

l. 24. si quidem—roboris] 'seeing that he (Pontius) had strength enough' to carry his threat into execution, Liv. II 49 *si sint duae roboris eiusdem in urbe gentes*.

tantum] i.e. quantum in eo fuisse traditur. *Z.*

l. 25. cum] i.e. *ex quo tempore*, 'it is not yet 110 years since a law,' Philipp. 12. 10 *vigesimus annus est cum me petunt*, P. S. Gr. p. 465, Madvig Gr. § 358 *obs.* 1. The actual time was 105 years, from B.C. 149 to B.C. 44.

l. 26. L. Pisone] Lucius Calpurnius L. F. L. N. Piso Frugi, the annalist (Brut. § 106, de leg. I § 6, ep. ad fam. IX 22, 2), was the author of the law which established a permanent commission (*quaestio perpetua*) for the trial of provincial Governors who had been guilty of such illegal acts as came under the denomination *repetundae*. The law was carried by him when *tribunus plebis*, B.C. 149 (Brut. l. c.). Pighius (ann. Rom. II p. 447) gives the following as the supposed text of the law: *uti quibus in provinciis magistratus populi Romani eorumve comites contra leges pecunias cepissent quidve commisissent, earum iniuriarum ergo Romae quiritari iudicioque quaesito sua repetere provinciales possent*. The experiment was found to work so well that from time to time new laws were passed, by which new courts of a similar description were instituted for the investigation of different offences, as the *lex Iunia* passed by M. Junius Brutus, a tribune of the plebs, the *lex Servilia* (B.C. 105), the *lex Acilia* passed by M. Acilius Glabrio, tribune of the plebs (B.C. 101, Verr. Act. II i. 9), the *lex Cornelia* passed by Sulla B.C. 81, and lastly the *lex Iulia*, passed by C. Julius Caesar in his first consulship B.C. 59. See *Dict. of Antiq.* Art. *Repetundae*, Ramsay *Rom. Antiq.* pp. 296, 306 ff.

nulla antea cum fuisset] 'whereas there had not been any before.'

l. 27. proxumae quaeque duriores] A mixture of two constructions, *quo propiores—eo duriores*, 'the later in point of time, the more rigorous,' and *proximae quaeque durissimae*. Cp. Acad. pr. II § 49 *me tibi primum quidque concedente*, de fin. II § 105 *si prima quaeque bene ab eo consulta atque facta ipsius oblivione obruentur*, i.e. as Madvig explains 'aliud super aliud continuo ordine et, ut nos loquimur, unum post alterum.'

l. 28. Italicum bellum] called also the 'Social' or 'Marsic war,' because the *Marsi* were one of the principal States engaged in it, was the war occasioned by the struggles of the Italian allies of the Republic (B.C. 100—88) to obtain for themselves admission to the privileges of Roman citizens (*romana civitas*). According to the statement of Appian (bell. civ. I 35), M. Livius Drusus had proposed a measure, recommending an enquiry into the corrupt practices in the courts of justice. This measure was extremely unpopular with the aristocratical party and roused their indignation to such a degree, that they determined to resist all the other measures

which Drusus brought forward, those viz. for the admission of the *civitates foederatae* to the privileges of citizenship.

l. 30. **expilatio direptioque sociorum**] 'pillaging and plundering of the allies,' during the dictatorship of Sulla and Caesar.

l. 31. **inbecillitate aliorum**] quia nemo est, qui Romanos vincere audeat, qui nunc quidem facile vinci possent. *H.*

CHAPTER XXII

§ **76**, l. 32. **Africanum**] the younger, I § 90, Introd. § 27.

laudat quod fuerit] Public Sch. Gr. § 96 p. 343 'a finite subordinate clause is subjunctive when it is dependent on an assertion of some other than the writer, implied but not formally expressed in the principal or prior verb (virtual *oratio obliqua*),' ib. § 196 p. 140, Madvig Gr. § 357 a.

P. 89, l. 1. **abstinentiae**] the opposite of *avaritia* § 75.

non hominis est solum] III § 111 *ista laus non est hominis sed temporum*, Br. § 258.

l. 3. **tantum—tributorum**] Vell. Paterc. I 9, 6 *cuius* (*Pauli triumphus*) *tantum priores excessit vel magnitudine regis Persei vel specie simulacrorum vel modo pecuniae—bis miliens centiens sestertium aerario* (210 millions of sesterces = £1,837,500) *contulerat—ut omnium ante actorum comparationem amplitudine vicerit.* Paulus' final victory was won at the battle of Pydna, B.C. 168.

l. 4. **finem attulerit**] 'has put an end to imposts' (for all time following, up to the present moment); *afferret* would signify that it put an end to imposts (immediately at that time). Madvig Gr. § 382 *obs.* 1.

l. 6. **patrem**] i.e. his natural father, Aemilius Paulus. He was the adopted son of Scipio Africanus son of the elder Africanus, I § 121.

l. 7. **Karthagine eversa**] B.C. 147, I § 35.

quid?] sc. *ais*, *censes*, Zumpt Gr. § 769, Madv. Gr. § 479 d *obs.* 1.

collega—in censura] B.C. 142.

l. 8. **copiosissimam urbem**] sc. Corinth, B.C. 148, see I § 35 n., Vell. Pat. I c. 13.

l. 9. **Italiam ornare**] 'to embellish Italy,' i.e. with the treasures of Grecian art, which formed part of his booty. Plin. n. h. XXXIV 7 § 17 *Mummius Achaia devicta replevit urbem non relicturus filiae dotem.*

l. 10. **quamquam cet.**] 'though indeed,' I § 30, III § 86. The protasis with *etsi* or *quamquam* is sometimes added to modify or correct the apodosis, and may be rendered 'and yet.' P. Sch. Gr. p. 481.

domus ipsa] 'the house also,' Nägelsb. lat. Stil. p. 246.

§ **77**, l. 11. **unde egressa est**] 'from which I have made this digression,' viz. § 21. Brut. § 82 *is princeps ex Latinis illa oratorum propria et quasi legitima opera tractavit, ut egrederetur a proposito ornandi causa*, Quintil. II 4, 15 *sed ut eo revertar, unde sum egressus*, IV § 12 *hanc partem παρέκβασιν Graeci vocant, Latini egressum vel egressionem.* The words usually employed in this sense are *digredi* and *digressio.*

l. 12. **in**] 'in the case of,' I § 46.

l. 13. **remp. gubernantibus**] § 11 l. 23.

habere quaestui rem publicam] 'to turn the state into a source of profit,' 'to make money by the state,' predicative dative of purpose, P. S. Gr. p. 391, Roby Gr. II 1162, Madv. Gr. § 249.

l. 14. **turpe—sceleratum—nefarium**] 'vile—outrageous—execrable.' *turpis* opp. to *honestus*, offensive to the moral sense or sense of decency, exciting disapproval and contempt, as gluttony, cowardice; *sceleratus* violating the rights of others or the peace and good of society, as robbery, sedition; *nefarius* against the gods or nature, as blasphemy, sacrilege, murder of kindred.

l. 15. **oraculum**] *ἁ φιλοχρηματία Σπάρταν ὀλεῖ ἄλλο δὲ οὐδέν*, the oracle given to the Spartan kings Alcamenes and Theopompus. Plutarch inst. Lacon. p. 239 F.

l. 20. **abstinentia et continentia**] Ubi licet uti rebus tuis sed tamen moderate uteris, *continens* es: *abstinens* vero, si non attigeris res alienas, etsi id fieri per te possit impune. *H.* These virtues are both antagonistic to *avaritia*: *abstinentia* respects that which is another's, *continentia* what pertains to one's self.

§ **78**, l. 21. **se populares volunt**] sc. *esse*, an omission of not uncommon occurrence in Cicero; Tusc. V § 66 *quis est omnium—qui se non hunc mathematicum malit* (sc. *esse*), *quam illum tyrannum?* ib. § 54 *sed tamen utrum malles te, si potestas esset, semel ut Laelium consulem* (sc. *esse*), *an ut Cinnam quater?*

l. 22. **agrariam rem temptant**] 'essay measures with regard to the disposal of the *ager publicus*,' Ramsay *Rom. antiq.* p. 228 ff.

l. 23. **possessores**] 'tenants of the *ager publicus*,' 'occupiers of the state domain,' not 'owners,' § 73 n. and Ramsay l. c. p. 226.

l. 24. **condonandas**] 'ought to be remitted,' in reference to laws for the total remission or reduction of debts, *σεισάχθεια* or *ἀποκοπὴ χρεῶν*, *tabulae novae*, § 84.

l. 28. **si habere—non licet**] 'if hindrances are laid in the way of every man keeping his own.' Madvig Gr. § 442 c.

l. 29. **supra dixi**] § 73.

l. 30. **suae rei cuiusque**] 'of his own particular property.' Observe that *cuiusque* is feminine and agrees with *rei*. See Madvig to Cic. de fin. V § 46 *quia cuiusque partis naturae et in corpore et in animo sua quaeque vis sit*, 'because every part of nature both in body and soul has its own particular power'; Lachmann to Lucr. II 371, who quotes Cic. de orat. III § 216 (*vox*) *acuta gravis, cita tarda, magna parva, quas tamen inter omnes est suo quoque in genere mediocris*: add Caesar bel. civ. I 83 *et rursus aliae totidem* (*cohortes*) *suae cuiusque legionis subsequebantur*, Plin. h. n. VII 9, 15 *tu memineris sui cuiusque generis auctores diligenter eligere*, Liv. III 22, 6 *equites suae cuique parti collocat*, XXIV 3 § 4 *separatim greges sui cuiusque generis remeabant*, Cic. in Verr. I c. 56 *hoc opus bonum suo cuique facito.* See also P. S. Gr. p. 287 § 79.

§ **79**, l. 31. **atque**] i.e. *praeterea*, *insuper.*

in hac pernicie] § 4 l. 17.

l. 32. **quam putant**] sc. *se consecuturos*, an infinitive in a relative clause left to be supplied from the *tempus finitum* of the main proposition, Zumpt Gr. § 774.

P. 90, l. 3. **non fuisse solvendo**] 'to have been insolvent,' Zumpt Gr. § 664 n. 1, P. S. Gr. p. 391, Madv. Gr. § 415 *obs.* 1. Cp. Liv. II 8

divites qui oneri ferendo essent, IV 35 *sitne aliquis plebeius ferendo magno honori*, XXVII 25 *remp. esse gratiae referendae*.

ille, qui accepit iniuriam] 'the party wronged,' i. e. the ejected occupant of land, or the creditor who has forfeited his money.

l. 4. **prae se fert**] 'openly shews.'

l. 5. **nec, si plures sunt—idcirco**] See Hand Tursell. III p. 100, who compares de nat. deor. III § 70 *nec, si is, qui accepit, bene utitur, idcirco is, qui dedit, amice dedit*, de orat. I § 118 *neque enim, si multitudo litium ......dat locum vel vitiosissimis oratoribus, idcirco nos hoc, quod quaerimus, omittemus*, ep. ad Att. VIII 11.

l. 7. **non numero—iudicantur sed pondere**] 'are estimated not by quantity but by quality,' i.e. it is not merely the number of the persons benefited, as compared with that of those injured, which we have to consider, but the superior quality and influence of the latter and the amount of their ill-will, to which the gratitude of the former will bear but a small proportion.

quam habet aequitatem] i.q. *quam aeque fit*, III § 9, in Cat. IV 4, 7 *habere videtur ista res iniquitatem si imperare; velis difficultatem, si rogare*. The subject is the sentence introduced by *ut—habeat=habere eum*, Zumpt Gr. § 664 note. See Kühner to Tusc. disp. III § 5, V § 62. Observe that Cicero does not say *quam iustitiam* but *aequitatem*. According to the Roman law no length of occupancy (*vetustas possessionis* de leg. agr. II § 57) could bestow a right of property upon the occupier (*possessor*) of the *ager publicus*, for it was a fundamental principle that prescription (*multorum saeculorum possessio*) could not be pleaded against the state.

l. 9. **possessum**] 'taken possession of,' from *possido*, § 81.

CHAPTER XXIII

§ **80**, l. 10. **hoc iniuriae genus**] i.e. the ejection of state-tenants and reduction of debts.

l. 11. **Lysandrum**] Not the distinguished Spartan general and diplomatist mentioned in I § 76, and § 109, whose life was written by Cornelius Nepos and Plutarch, but another Lysander son of Libys, who lived nearly 140 years after him, of whom mention is made by Plutarch in his life of Agis ch. VI.

l. 12. **Agim regem**] Agis the fourth, whose life Plutarch wrote. Being king of Sparta B.C. 244—240, he attempted to reform the abuses of property, and re-establish the institutions of Lycurgus: but he was opposed by Leonidas II and the wealthy party, and executed by command of the ephors.

l. 14. **tyranni**] After Cleomenes III (Plutarch vit. Cleom. c. 11), who had renewed his father's attempts to restore the ancient Spartan constitution and to regenerate the Spartan character, had been banished B.C. 222, first Lycurgus, then the tyrant Machanidas ruled over Sparta. He was followed by Nabis, after whose death (B.C. 192) the Lacedaemonians became subject to the Achaeans, until Sparta came under the Achaean league, Liv. XXXVIII 34.

l. 15. **exterminarentur**] 'were expatriated,' ἐξορισθεῖεν, III § 32 l. 30, i.q. gr. Cleomenes put four ephors to death and banished eighty Spartans.

dilaberetur] 'fell to pieces.' There remained however the shadow of the Spartan constitution, till it was finally destroyed by the Romans.

l. 18. **profectae**] I § 119.

manarunt latius] Sil. Ital. XI 12 *ceu dira per omnes manarunt populos foedi contagia morbi*.

quid?] § 76 l. 7.

l. 19. **Africani**] Scipio Africanus the elder, whose daughter Cornelia was the mother of Caius and Tiberius Gracchus, I § 87, II § 43.

§ **81**, l. 21. **Aratus Sicyonius**] Aratus, the celebrated general of the Achaeans, son of Clinias, was born at Sicyon, B.C. 271. On the murder of his father Abantidas B.C. 264, Aratus, then a child, was conveyed to Argos; at the age of 20 he returned and rescued his native city from the usurper Nikokles B.C. 251 and united Sicyon to the Achaean league, of which he was general B.C. 245. He cultivated the friendship of Antigonus Doson and Philip, kings of Macedonia, but as Philip sought to make himself master of Greece, dissensions arose, and Philip had him poisoned B.C. 213. See Plutarch Arat. c. IX.

l. 22. **a tyrannis**] ab Abantida, Pasea, illius patre, et Nicocle quem tandem Aratus oppressit et in exilium egit. *H.*

l. 27. **adventu suo**] i.e. *cum advenisset*.

l. 28. **in possessionibus**] 'in the due proportion of estates.' Nägelsb. lat. Stil. p. 135.

l. 29. **possederant**] 'had taken possession of,' from *possido*, not from *possideo*, as in § 79 l. 9.

l. 30. **quinquaginta annorum possessiones**] The exiles had been banished in part before the time of Klinias B.C. 204, Plutarch Arat. 9 Ἀβαντίδας ὁ Πασέου τυραννίδα πράττων ἑαυτῷ τὸν Κλεινίαν ἀπέκτεινε καὶ τῶν φίλων καὶ οἰκείων τοὺς μὲν ἐξέβαλε τοὺς δὲ ἀνεῖλεν.

l. 31. **moveri**] i.e. transferri ad pristinos dominos, 'be disturbed.'

l. 34. **illis—iis**] those who had seized on the property of the exiles—the exiles who had returned with Aratus.

P. 91, § **82**, l. 2. **integram**] i.q. *intactam*, 'he ordered that things should remain as they were until his return.'

ad] i.e. usque ad, 'until,' Brut. § 39 *ad hodiernum diem*.

isque] 'and so he.' On *que* continuativa comp. I § 12 *eademque*, § 13 and § 134 *inprimisque*, III § 17 *tamque*, de nat. deor. II § 101, § 123.

l. 3. **Ptolemaeum**] Ptolemy Philadelphus, son of Ptolemy Soter, who on Alexander's death obtained the government of Egypt.

l. 5. **liberare**] sc. aere alieno, from debt, not from tyranny: that he had already done.

causam docuisset] 'had told him his case,' 'informed him of the position of his affairs,' so below l. 8.

l. 6. **grandi pecunia**], 150 talents.

adiuvaretur] subj. of oblique petition.

l. 9. **perfecitque aestumandis cet.**] 'and managed, by a valuation of the several estates, to persuade some (i.e. of the present incumbents) to resign their estates and accept an equivalent in money: others (i.e. of those who had been ousted) to think it a more convenient plan to have the value of their estates paid them in ready money, than to recover possession of their own.'

l. 10. **ut persuaderet—ut cederent**] Madvig Gr. § 372 a, P. S. Gr. p. 442.

l. 12. quod tanti esset] h.e. 'quanti possessiones amissae erant,' 'their cash value,' the price assigned as an 'equivalent' for them by the *quindecimviri:* cp. the expression *non est tanti* 'it is not worth while,' Philipp. XIII 5, 11 *Pompeianas possessiones quanti emerint* ('at cost price') *filio reddituros,* Verr. III 82, 189 *petivit—ut sibi pro frumento quanti frumentum esset dare liceret,* Nägelsb. lat. Stil. p. 109.

§ 83, l. 16. ut bis iam vidimus] under Sulla and Caesar, § 29.

hastam in foro ponere] § 27.

l. 20. divellere] 'to separate,' i.e. make partial differences between,)(to *continere.*

atque] connects a negative with an affirmative clause, when the latter does not contain any opposition to the former, but affords rather an explanation. Paradox. I § 22 l. 32, VI 1 § 43 *si testamenta amicorum expectas aut ne expectas quidem atque ipse supponis,* Caesar b. g. IV 35 *nostrorum militum impetum hostes ferre non potuerunt ac terga verterunt.*

habitent gratis in alieno] quoted as Caesar's edict, which is introduced under the form of an objection of an opponent (ὑποφορά, *subiectio*) answered with *Quid ita?* Seyffert schol. lat. I p. 100 ff. The edict ordained a remission of house-rent for a certain period, to the manifest injury of the landlords: an attempt had been made twice before, first by M. Caelius Rufus (B.C. 48) and in the following year by the tribune P. Dolabella, to benefit tenants in the same way, but they failed, Caesar succeeded B.C. 45. Dio Cassius 42, 51 *τοῖς τε γὰρ πολλοῖς ἐχαρίσατο τόν τε τόκον τὸν ἐποφειλόμενόν σφισι, ἐξ οὗ πρὸς τὸν Πομπήιον ἐξεπολεμήθη, πάντα τε καὶ τὸ ἐνοίκιον, ὅσον ἐς πεντακοσίας δραχμὰς ἦν, ἐνιαυτοῦ ἑνὸς ἀφείς,* see Madvig Philol. II p. 143.

l. 22. tuear impendam] 'keep in repair, spend money on.' Cicero is very fond of using words in pairs: see exx. in index.

quid est aliud] The full formula is *quid est aliud—si hoc non est* III § 55, Mayor Philipp. II § 7 l. 11.

CHAPTER XXIV

§ 84, l. 24. tabulae novae] 'a clean ledger,' i.e. a remission of debts (σεισάχθεια), Cat. II § 18.

quid habent argumenti] 'what is their meaning,' 'aim?' pro Cael. § 64 *verum haec tota tabella quam est sine argumento.*

l. 25. mea—tu] the creditor's—the debtor.

l. 29. non—alienum] i.e. *si fuerit aes alienum, non ita faciendum est,* to be supplied from *providendum est,* 'if there should be a heavy debt incurred, we are not to make the rich lose their own property, and the debtors gain their neighbours'.' Cp. § 88 l. 16.

l. 31. vehementius] § 73 l. 30.

continet] I § 20.

fides] 'credit.'

esse nulla potest] 'cannot possibly exist,' I § 35, II § 3.

l. 33. me consule] B.C. 63. Cicero threatened to sell by auction the goods of the debtors, if they refused to pay their debts, Cat. II § 18 *meo beneficio tabulae novae proferentur, verum auctionariae.*

l. 34. ne solveretur] sc. *aes alienum,* 'against the payment of debts,' Nägelsb. lat. Stil. p. 111. Catiline promised his accomplices a remission of debts, Sallust Cat. c. 21.

armis et castris] III § 116 *viris equisque,* Tusc. III § 25 *omni contentione velis ut ita dicam remisque fugienda.*

l. 36. ita—ut—tolleretur] consecutive subjunctive, 'with this result that,' 'so that.'

hoc totum malum] sc. *aes alienum.*

l. 37. numquam—nec—nec] On *nec—nec* used partitively after general *numquam* cp. III § 102 l. 3, and note on I § 66 l. 32.

P. 92, l. 3. tum quidem victus] when the conspiracy of Catiline was suppressed, to which Caesar was supposed by many to be at least favourable, if not an accomplice in it. He is called by Cicero *nunc victor,* because of the observance paid to his laws and regulations after his death, § 23 n.

quae cogitarat—ea perfecit] ut aestimatione possessionum creditores quarta parte crediti (i.e. *numeratis antea usuris*) fraudarentur. Vide Sueton. Caesar c. 42, Caesar bel. civ. III 1. *H.*

l. 4. cum eius iam nihil interesset] 'when he had no longer any personal interest in it.' For his conquests in Gaul and victory over the aristocratical party had freed him from his debts and enriched him. A curious mode on Cicero's part of aggravating the charge against Caesar, viz. that he had nothing to gain by it, since this fact evidently frees him from the imputation of personal motives. Bonnell explains the subjunctive of this clause as distinguished from the indicative *intererat,* by making *cum* in the one case denote a connexion of time, and in the other of thought.

l. 5. tanta in eo cet.] A harsh judgment concerning Caesar. The measure alluded to was equally wise and just, being an equitable adjustment of claims between debtor and creditor, by making a proper allowance for the change which the value of money had undergone during the civil wars. Caesar himself justifies the measure bell. civ. III 1 *cum fides tota Italia esset angustior neque creditae pecuniae solverentur, constituit ut arbitri darentur, per eos fierent aestimationes possessionum et rerum, quanti quaeque earum ante bellum fuissent, atque eae creditoribus darentur.*

l. 6. hoc ipsum—peccare] cp. III § 49, I § 71.

§ 85, l. 7. ut—detur] consecutive subjunctive, the *ut* clause expanding the pronoun *hoc,* P. S. Gr. p. 440.

l. 8. aberunt] i.q. abhorrebunt.

l. 10. iuris et iudiciorum] 'the administration of justice, civil and criminal, by judge and jury.' Cf. Ramsay Rom. ant. p. 208 f.

l. 13. vel belli vel domi] § 16.

l. 14. remp. augeant] Observe that the sentence depends logically not on *ut,* but is coordinate with *imprimis operam dabunt.* Properly *augebunt* should have been used, but the introduction of the subjunctive in the intervening clauses has led to the substitution of the subjunctive in this clause also.

l. 15. apud] I § 35 l. 23.

l. 16. cum] 'together with,' I § 136 l. 29.

§ 86, l. 19. utilitatum praeceptis] § 32 l. 32.

Antipater] Antipater of Tyre, a Stoic philosopher, who lived as a friend in the house of the younger Cato (Plutarch Cat. c. 4 p. 761), as

Diodotus did with Cicero, Panaetius with Scipio: he must not be confounded with Antipater Sidonius, the epigrammatist, or Antipater of Tarsus, the Stoic philosopher, teacher of Panaetius, who is mentioned III § 51.

l. 21. duo] used substantively = *duo loci*, I § 161.

l. 23. quod essent] § 76 l. 32.

l. 24. sed] after the digression implies, 'but though they are easy of comprehension, still I will say etc.,' cp. § 74 *neque tamen*, Zumpt Gr. § 739.

sui corporis] 'one's own constitution.' Mayor Philipp. II § 116 l. 14.

l. 25. observatione, quae res—soleant] § 22 l. 16, § 68 l. 31, Madvig Gr. § 356, § 395, Roby Gr. II 1352.

l. 26. cultu] § 15.

l. 27. eorum] sc. medici et iatriliptae, I § 130. Beier says 'totus locus haustus videtur e Xenoph. Mem. IV 7, 9.'

§ 87, l. 30. diligentia] § 54 l. 12.

etiam] 'furthermore,' not 'also,' which is implied in *eisdem*.

l. 31. Socraticus] 'a pupil of Socrates.'

l. 32. ista fere aetate—qua es tu nunc] 'at about your present age.' He was in his twenty-first year.

l. 33. Latinum] i. e. *sermonem*, or rather taken substantively, cp. Quint. instit. V 2 *vertere Graeca in Latinum*, Tusc. III § 29 *licet, ut saepe facimus, in Latinum illa convertere*.

P. 93, l. 1. sed toto hoc de genere—disputatum est] It is strange that no editor before Unger should have thought of transposing this passage from the place which it occupies in the MSS, viz. at the end of § 89 immediately before *reliqua deinceps persequemur* § 90, where it is entirely out of place, having nothing to do with *utilitatum comparatio*, which is the subject of c. 25. The words *reliqua deinceps persequemur* follow very fitly after *recte hoc adiunctum quartum genus*, as does the sentence *commodius quam ab ullis philosophis cet.* after *commodissime Xenophon*.

collocanda] 'investing,' § 42 l. 32, § 69 l. 4.

l. 2. vellem] 'I could have wished,' I § 35 *nollem Corinthum*. *Velim facias* means 'I wish you would do:' *vellem faceres* 'I wish you had done' (but now it is too late).

utenda] § 71 l. 5 n.

optimis viris] I § 20, said with a slightly contemptuous tone (as = *homines a litteris doctrinaque alienos*. *Z.*) like *quibusdam bonis viris* § 2, de fin. I § 25 *homines optimi non intellegunt*, cp. III § 73 n. He gives his opinion of this class § 42.

l. 3. ad Ianum medium sedentibus] 'those who sit at the middle of Ianus, i.e. who attend at the Exchange, the men on 'Change.' Mr Nichols, in his elaborate and learned work on the Roman Forum, says (p. 240 foll.) that the street running on the north of the *Tabernae Novae*, between them and the *Basilica Aemilia*, was called *Ianus*. Before the end of the Republic this part of the Forum had become the special resort of the money-dealers. Hence *Ianus* (in the sense of a 'street'), or *Ianus medius*, appears in the writings of Cicero and Horace as the 'Bourse' or 'Exchange' of Rome. In Philipp. VI 5 alluding to a statue of L. Antonius, upon which he was described as patron of mid Ianus, Cicero asks derisively, whether in all that Ianus a single man could be found who

would lend Antonius a thousand sesterces: *quis umquam in illo Iano inventus est, qui L. Antonio mille numum ferret expensum?* Horace also speaks of the lessons as to the value of money which were to be learnt in *Ianus* from top to bottom: Epist. I 1, 52 *O cives, cives, quaerenda pecunia primumst, Virtus post numos! haec Ianus summus ab imo perdocet:* and Damasippus Sat. II 3, 18 speaks of his fortune as wrecked at mid Ianus, *postquam omnis res mea Ianum Ad medium fractast, aliena negotia curo.* Comp. Ovid rem. am. V 561 *qui puteal Ianumque timet celeresque Calendas*.

l. 4. schola] The Greek σχολή is (1) 'leisure,' (2) 'leisure for learned pursuits,' 'a learned discussion.' The Latin *schola* beginning with this last meaning, afterwards signifies (3) 'a place where there is time for learned pursuits,' a 'school' or 'sect of philosophers' = *disciplina, familia*.

cognoscenda] 'to be taken notice of.'

CHAPTER XXV

§ 88, l. 6. utilitatum] i.q. *rerum utilium*, III § 96 l. 27.

l. 7. erat] 'is, as I stated,' III § 88 n.

l. 9. externis] 'outward advantages,' 'gifts of fortune,' opposed to mental or bodily advantages. The following words *et externa cum corporis* are considered by the best commentators to be a gloss, as also what follows l. 13 *cum corporis—viribus*.

l. 11. cum externis cet.] i.e. *cum externis* commodis *corporis* commoda comparantur.

l. 12. ut malis] short for *ut quaeras utrum malis*, or *ut dicas te malle divitem esse*.

l. 14. dives esse] sc. *velis*, to be supplied from *malis*.

l. 16. externorum autem] an anacoluthon, from *hoc modo comparantur* we must supply *haec est comparatio*, cp. § 84. Zumpt, after Heusinger, understands *e numero*.

gloria divitiis] sc. anteponatur.

l. 17. vectigalia urbana] incomes derived from property, such as slave-manufactories etc., in the city. These were larger and more certain than those derived from estates in the country, but not considered so honourable, I § 151 n. Plutarch Crass. 2, Nepos Attic. 14 *nullos habuit hortos—neque in Italia praeter Arretinum et Nomentanum rusticum praedium omnisque pecuniae eius reditus constabat in Epiroticis et urbanis possessionibus*.

l. 20. satis bene] i.e. *mediocriter*.

§ 89, l. 21. male pascere] 'to feed, though but poorly.' These words occur in two MSS only; cp. Columella lib. VI praefat. *in rusticatione vel antiquissima est ratio pascendi, eademque quaestuosissima. Propter quod nomina quoque et pecuniae et peculii tracta videntur a pecore, quoniam id solum veteres possederunt. Et adhuc apud quasdam gentes unum hoc usurpatur divitiarum genus, et nunc apud nostros quidem colonos alia res uberior nulla est. Ut etiam M. Cato credidit, qui consulenti, quam partem rei rusticae exercendo locupletari posset, respondit, si bene pasceret; rursusque interroganti, quid deinde faciendo satis uberes fructus percepturus esset, affirmavit si mediocriter pasceret. Ceterum de tam sapiente viro piget*

dicere, quod eum quidam auctores memorant, eidem quaerenti, quidnam tertium in agricolatione quaestuosum esset, asseverasse, si quis vel male pasceret, Plin. h. n. XVIII 5 *Cato interrogatus, quis esset certissimus quaestus, respondit, si bene pascas; quis proximus, si mediocriter pascas.*

l. 23. fenerari] I § 150 n.

quid hominem occidere] as if usurers were on a level with murderers.

l. 26. deinceps] I § 42, II § 52 l. 15.

NOTES

ON

CICERO

DE OFFICIIS

BOOK III

BOOK THE THIRD

CHAPTER I

P. 97, § 1, l. 1. P. Scipionem] I § 90 n., de rep. I § 27.

l. 3. scripsit Cato] probably in the collection of ἀποφθέγματα mentioned I § 104 l. 31.

aequalis] 'contemporary.' Cato was some years younger than Scipio, he accompanied him as his quaestor when he went to Sicily as proconsul B.C. 204, and Scipio was consul B.C. 205, Cato B.C. 195.

l. 4. otiosum] *Otiosus* signifies 'one who has abundance of *otium*' which itself has two meanings (1) 'freedom from public duties,' (2) 'freedom from occupation generally.' *Otiosum* here has the latter meaning 'unoccupied,' *otiosus* (and plainly *otium*) the former, 'free from public cares.' Cp. I § 70, Tusc. I § 6 *ut si occupati profuimus aliquid civibus nostris, prosimus etiam, si possimus,* otiosi, or. p. Planc. § 66.

l. 7. negotiis] 'public business.'

l. 8. ut neque cessaret umquam] 'so that he was both never unemployed and etc.,' consecutive subj. expressing the result.

neque—et—non] I § 72, Donaldson Gr. p. 194, Madvig Gr. § 458 c.

l. 10. acuebant] 'whetted his energies.' Cp. Xenoph. Oeconom. 21, 3 *ὥστε ἀκονᾶν τὰς ψυχὰς τῶν ἀνθρώπων ἐπὶ τὸ ἐθελοντὰς πονεῖν.*

vellem—liceret] II § 90 n., Madv. Gr. § 372 b *obs.* 2.

l. 11. vere dicere] § 13 *honestum, quod proprie vereque dicitur.*

si minus—accedimus] 'if I cannot by imitation attain to that inimitable temper, at any rate, so far as inclination goes, I come as near it as is possible.' For *consequi*=assequi cp. Quintilian instit. orat. X 1, 109 *quod in quoque optimum fuit, studio consecutus est,* XII 11, 27 *Achillis gloriam in rebus bellicis consequi,* XI 25 *si vitia magnorum consequantur.*

l. 13. a rep. cet.] 'from political and forensic employment,' II §§ 2, 3, 6.

armis impiis] i.e. of Antony, see below, n. to l. 21. Cp. Philipp. II 8, 44.

l. 14. otium persequimur] 'devote myself continuously to,' cf. Hor. Epod. l. 7 *utrumne iussi persequemur otium?,* Philipp. XII § 15 *ut cedamus, abeamus, vitam inopem et vagam persequamur.*

l. 15. rura peragrantes] 'roving from one place in the country to another.' Cicero was constantly changing his place of residence for fear of

Antony. He had many country houses, one at *Tusculum* (once the property of Sulla), another at *Antium* (where he placed his best collection of books), another at *Arpinum*, two at *Formiae* (one near the port of Caieta, another upon the mountains adjoining), another on the shore of *Baiae* which he calls his *Puteolanum*, a seventh on the hills of old *Cumae*, another at *Pompeii*. His house at *Puteoli* was built after the plan of the Academy at Rome, and called by that name, being adorned with a portico and grove for the purpose of philosophical conferences. With regard to the means which Cicero had to meet the expenses, which the possession of so many country seats must have entailed upon him, see the remarks of Middleton in his *Life of Cicero* § xii.

§ 2, l. 16. nec haec solitudo cet.] 'nor is my present isolation to be put on a par with that of Africanus.'

l. 18. aliquando] 'upon certain occasions,' cp. § 12, *liceret ei dicere utilitatem aliquando cum honestate pugnare.* **interdum**] 'now and then,' 'between whiles.' **sumebat** implies, 'took at his own convenience, independently of others.'

frequentia] 'crowd,' 'concourse.'

l. 19. tamquam in portum] i.e. *ex alto*, I § 151.

l. 20. requiescendi studio] 'by earnest desire for repose.'

l. 21. extincto—senatu] = *extincta libertate senatus* § 4. The Senate's political power and freedom of debate had been destroyed by Antony the consul this year, who three days after Caesar's death surrounded with his armed followers the temple of Tellus, and later that of Concordia where the Senate usually sat. Philipp. II § 19, § 89, § 112 *cur armatorum corona senatus saeptus est? cur me tui satellites cum gladiis audiunt? cur valvae* Concordiae *non patent? cur homines omnium gentium maxime barbaros, Ityraeos, cum sagittis deducis in forum?*

deletisque iudiciis] The law courts were of necessity closed by the enforced absence of the praetors, Brutus and Cassius.

l. 22. quid est quod cet.] i.e. *quid est*, quod quidem *dignum nobis* sit, *quod agere possimus?*

in foro] i.e. *in iudiciis.*

P. 98, § 3, l. 1. qui vixerimus] = quamvis vixerimus, 'after having lived;' the conjunctive serves to mark more strongly the contrast between his former and present position. Madvig on de fin. II § 106 *hic se ad ea revocat, e quibus nihil umquam rettulerit ad corpus*, observes 'rarius hoc est in eiusmodi sententia relativa, quae simul generis definitionem contineat.'

in maxima celebritate] = frequentia, 'in the greatest publicity.' Plutarch Cic. 8 *ἐθεράπευον δὲ καθ' ἡμέραν ἐπὶ θύρας φοιτῶντες οὐκ ἐλάττονες ἢ Κράσσον ἐπὶ Πλούτῳ καὶ Πομπήιον διὰ τὴν ἐν τοῖς στρατεύμασι δύναμιν.*

in oculis] i.q. *in conspectu*, 'in the presence of,' de orat. II § 41, pro Planc. § 66. The phrase *in oculis esse* has also another meaning, viz. 'to be dear to any one.'

l. 3. quibus omnia redundant] 'with whom every place overflows.' In reference to the number of Caesar's veterans, and others whom Antony had collected to support his violent measures.

abdimus] *Abdere* is properly 'to stow a thing away,' 'to hide it;' hence *abdere sese*, 'to withdraw oneself from public life;' cp. ep. ad Att. XII 14, 20, de div. II § 6 *neque ego me abdidi*, Hor. ep. I 1, 5 of the retired gladiator Veianius *latet abditus agro*, Od. III 4. 38 of Caesar *fessas cohortes abdidit oppidis.*

l. 4. hominibus doctis] 'philosophers by profession,' II § 60 n.

l. 6. his ipsis] sc. *minimis malis*, 'even these.'

si quid inesset] II § 1.

l. 7. otio fruor] 'I get some profit from my leisure.'

non illo quidem] serves to throw emphasis on the object of the verb and to contrast it with what follows. I § 60, II § 21.

debebat] sc. *frui*, 'ought to have enjoyed,' Zumpt Gr. § 518, Madvig Gr. § 348 e.

l. 8. peperisset otium civitati] There is a play here on the double meaning of *otium*, viz. 'leisure' and 'freedom from civil strife.' Cicero refers to his services in crushing the conspiracy of Catiline, for which he received the title of *pater patriae*; cp. I § 77 *neque enim periculum in rep. fuit gravius umquam nec maius otium*, where see note.

eam solitudinem languere] i.e. *me in ea solitudine languere.* See Nägelsbach lat. Stil. § 10, 3 (§ 15, 1) and my note on I § 32 l. 14 *quae liberantur*, II § 68 *id quod violatum videbitur*, III § 36 *error hominum.*

l. 9. quamquam] adverbial, as a corrective particle, I § 30 l. 15, II § 45 l. 1.

§ 4, l. 10. maiorem laudem] An affectation of modesty on the part of Cicero; for throughout the chapter he tacitly implies that his retirement was more praiseworthy than that of Scipio, who left behind him no literary records or work of his leisure.

l. 13. quas cogitando consequebatur] 'to which he directed his thoughts,' see note to I § 116.

l. 15. non tantum roboris habemus] 'have not such strength of mind.'

l. 16. tacita] 'silent,' not expressed in writing (*mandata litteris*).

abstrahamur] i.e. nos abstrahere possimus, Wopkens' lect. Tull. p. 61.

l. 17. plura brevi—scripsimus] Cicero wrote nearly all his rhetorical and philosophical treatises between B.C. 46 and B.C. 44, the *Hortensius* s. *de philosophia* (II § 6), the book which led St Augustin to devote himself to philosophy, now lost, and the oratorical works, the *partitiones oratoriae*, the *Brutus*, and the *orator*, all of which are extant: his philosophical treatises *de consolatione*, after the death of his daughter *Tullia*, the *Academica*, containing an exposition of the New Academic philosophy, the *de finibus bonorum et malorum*, a criticism of the chief opinions entertained on ethics, the *Tusculanae disputationes* or discussion of certain questions concerning happiness and morality, the *de natura deorum*, the *de divinatione*, the *Cato maior* or *de senectute*, the *Laelius* or *de amicitia* (II § 31), the *de fato*, concerning fate and freewill; the *Paradoxa*, wherein some Stoic paradoxical opinions are criticized, and the lost work *de gloria* (II § 31). Cp. I § 3.

CHAPTER II

§ 5, l. 20. cum—deserta sit, tum] 'with cum—tum, 'as well—as,' when each member has its own verb, the first is often put in the conjunctive to express a kind of comparison between the general and particular

case. If only the connexion between the two is to be expressed (as below l. 29), the indicative is used.' Madvig Gr. § 359 *obs.* 3.

l. 21. frugifera] 'fruit-bearing,' not so strong an expression as **fructuosa** 'teeming with fruit:' **inculta** 'barren,' **deserta** 'unfruitful.'

l. 22. locus] 'division,' 'department,' I § 18 l. 20.

l. 23. constanter honesteque vivendi] 'for leading a consistent and moral life.' **de officiis]** short for is qui est de officiis.

l. 25. Cratippo] I § 2.

huius memoriae] 'of the present age,' I § 2. Elsewhere Cicero (II § 8) calls him 'very like' (*simillimus*), but not 'equal to' (*par*) the old philosophers.

l. 26. audire—accipere] plus est *accipere* quam *audire*. *Audiunt* omnes discipuli, *accipiunt* diligentes. *Z.*

l. 28. circumsonare] 'ring.' So *personare* ep. ad fam. VI 18, 4 *iam tamen personare aures eius huiusmodi vocibus non est inutile.* The passive *circumsonari* (which is the reading of the MS Bernensis c) is also used in the same sense.

§ 6, l. 30. haud scio an] 'I am inclined to think,' 'probably,' its ordinary meaning in Cicero (I § 33 l. 1), Madvig Gr. § 453, and the best writers, in later writers it is negative, 'probably not,' Zumpt Gr. § 721.

l. 31. tibi] cp. II § 44.

sustines enim cet.] 'for you have a burden to sustain in the no small anticipation men have of your imitating my perseverance, their sanguine expectation of your succeeding to my dignities, and to some extent possibly of rivalling my name. You have moreover incurred a heavy responsibility in respect of Athens and Cratippus (I § 1 l. 2), since having resorted to them for the acquisition of the liberal arts, it would be a great discredit indeed for you to return empty, disgracing the high reputation of that city as well as of your teacher.'

l. 33. onus] For this sense of onus cp. Plin. ep. III, 3, 7 *a te meque admonebitur quibus imaginibus oneretur, quae nomina et quanta sustineat,* ib. ep. VIII 24 § 8 *onerat te quaesturae tuae fama, onerat testimonium principis, onerat tribunatus, praetura.*

l. 34. cum sis profectus] Madvig Gr. § 358, Kennedy Gr. p. 460.

ad mercaturam cet.] i.q. *ad mercandas bonas artes.* Some wrongly translate 'mart,' as if the word were mercatus.

l. 35. redire] sc. *te*.

P. 99, l. 3. si discendi labor est] i.e. *si discendi labor est potius* labor *quam voluptas*, cp. § 44 *non amicitiae tales, sed coniurationes putandae sunt*, de nat. deor. II § 168 *mala et impia consuetudo est contra deos disputandi.*

l. 4. neve committas ut] I § 81 l. 29.

cum omnia suppeditata sint a nobis] M. Cicero had complained to his father's freedman Tiro that he had received no allowance since the beginning of April, whereupon Cicero writes thus to Atticus: *tibi pro tua natura semper placuisse teque existimasse id etiam ad dignitatem meam pertinere, eum non modo liberaliter a nobis sed etiam ornate cumulateque tractari. Quare velim cures—ut permutetur Athenas, quod sit in annuum sumptum ei* (ad Att. XV 15, 4). Cicero had set aside for his son the rent of the houses of Terentia which brought in yearly 100,000 sesterces.

l. 5. haec hactenus] sc. fuerint, ii 92 l. 19 note.

l. 7. propositae divisionis] for *ex proposita divisione.*

§ 7, l. 8. Panaetius] I § 9, and ep. ad Att. XVI 11.

l. 10. correctione quadam] Introd. § 32, I § 9.

l. 12. solerent] on the tense see II § 1 n.

l. 13. uno, cum dubitarent] i.e. *uno quod tum esset, cum dubitarent.*

l. 14. altero] sc. *cum dubitarent.*

l. 16. quo modo—oporteret] subj. of oblique question, dependent on *dubitarent* understood.

l. 18. deinceps] 'in the course of his enquiry,' 'in its proper turn,' I § 42, II § 26.

l. 19. nec exsolvit] 'without however performing his promise.' *Nec= nec tamen*, § 41 l. 30, § 92 l. 22.

§ 8, l. 20. Posidonio] I § 159.

l. 21. triginta annis] 'that he lived on (or died) thirty years after he had published it.'

vixisse postea quam—edidisset] Publ. Sch. Gr. p. 462 2 *b*.

l. 22. breviter esse tactum] a redundancy of expression, not infrequent in Cicero; e.g. de fin. I § 33 *cum soluta nobis est eligendi optio*, de div. I § 112 *e monte Taygeto extrema montis quasi puppis avolsa est.*

l. 23. in quibusdam commentariis] so Cic. renders ὑπομνήματα. Cp. III § 121, ad Att. XVI 11, 4 *eum locum Posidonius persecutus. Ego autem et eius librum arcessivi et ad Athenodorum Calvum scripsi, ut ad me* τὰ κεφάλαια *mitteret, quae expecto.—In eo est* περὶ τοῦ κατὰ περίστασιν καθήκοντος (i.e. 'about that which is our duty under particular circumstances): ad Att. XVI 14, 14 *Athenodorum nihil est quod hortere; misit enim satis bellum* ὑπόμνημα. See Intr. § 30.

praesertim cum] II § 56.

§ 9, l. 25. praetermissum—relictum] 'left untouched' (from oversight) —'left unregarded' (intentionally): cp. or. in Cat. III § 18 *hoc certe, quod sum dicturus, neque praetermittendum neque relinquendum est.* Observe that *relictum* depends on *aiunt* to be supplied from *negant*. Cp. de fin. I § 31.

l. 27. de quo] 'with regard to this assertion,' I § 21 *ex quo.*

l. 28. habere dubitationem] 'to admit of doubt,' an expression like the Greek ἀμφισβήτησιν ἔχειν. Cp. § 105, II § 79 *quam autem habet aequitatem?* ep. ad fam. X 18, 1 *ut consilium sequerer...quod habere posset obtrectationem*, ib. § 3 *nam quae res nullam habebat dubitationem...ea nunc...magnum habet casum.*

adhibendumne fuerit] 'whether it ought to have been taken into consideration.' Acad. I § 39 *de naturis sic sentiebat, primum ut quattuor initiis rerum illis quintam hanc naturam, ex qua superiores sensus et mentem effici rebantur, non adhiberet.*

l. 31. qui—absolverit] subjunctive, because dependent on an infinitive clause.

l. 33. deinceps] see above § 7 l. 18.

§ 10, l. 34. testis locuples] 'a credible witness.' Cp. § 105, § 100 *locupletiores auctores*, Liv. IX 9 *rei satis locupletes*, h.e. *rei qui satis creduntur fidem sponsionis praestare.*

l. 35. Rufum] P. Rutilius Sp. F. Sp. N. Rufus (II § 47), the statesman orator and man of letters, was consul B.C. 105, and B.C. 99

legatus under Q. Mucius Scaevola when proconsul of Asia. While acting in this capacity by repressing the illegal extortions of the tax-collectors (*publicani*) he incurred the hatred of the equestrian body. Accordingly on his return to Rome he was unjustly arraigned of malversation (*de repetundis*), found guilty and compelled to withdraw into banishment B.C. 92 (Athenaeus IV p. 168 A *παρὰ δὲ Ῥωμαίοις μνημονεύεται, ὥς φησι Ποσειδώνιος ἐν τῇ ἐνάτῃ καὶ τεσσαρακοστῇ τῶν ἱστοριῶν, Ἀπίκιόν τινα ἐπὶ ἀσωτίᾳ πάντας ἀνθρώπους ὑπερηκοντικέναι. οὗτος δ' ἐστὶν Ἀπίκιος ὁ καὶ τῆς φυγῆς αἴτιος γενόμενος Ῥουτιλίῳ τῷ τὴν ῥωμαϊκὴν ἱστορίαν ἐκδεδωκότι τῇ Ἑλλήνων φωνῇ*, Cicero pro Font. § 28, Brut. § 135, de nat. deor. III § 80, de orat. I § 229, pro Rabir. § 27). He retired to Smyrna, where he passed the rest of his life in literary pursuits and declined Sulla's offer to reinstate him at Rome (Valerius Maximus VI 4, § 4, Ovid ep. ex Ponto I 3, 63, *et grave magnanimi robur mirare Rutili, | non usi reditus condicione dati; | Zmyrna virum tenuit, non Pontus et hostica tellus*, Cic. pro Balbo § 28, de nat. deor. III § 80, de rep. I § 13, Tacitus ann. IV 43, Seneca de benef. VI 37, cons. ad Marc. 23, 3, ep. 24, de prov. 3, 4). Athenaeus VI p. 274 C tells us, doubtless on the authority of Posidonius, that he, Tubero and Scaevola were the only three Romans who observed the *lex Fannia sumptuaria*. In Brutus § 114 Cicero speaks of him as *Panaetii auditor, prope perfectus in Stoicis*. See Ellendt hist. rom. eloq. § 30 p. 37 ff. ed. Dübner, for an account of his orations.

l. 36. **qui—audierat**] The indicative is used because it is a simple matter of fact relative clause.

l. 37. **in Coa Venere**] Pliny n. hist. XXXV 10, 36 *Apelles etiam inchoaverat et aliam Venerem Coi superaturus fama illam suam priorem. Invidit mors peracta parte, nec qui succederet operi ad praescripta lineamenta inventus est.* The other statue of Venus of which Pliny speaks was called the *ἀναδυομένη*, 'rising out of the sea.'

inchoatam] 'imperfect,' I § 153 l. 28.

P. 100, l. 2. **imitandi**] 'of representing in like manner.' Cp. de or. II § 91 *nervos non assequitur, oris pravitatem imitatur.*

l. 3. **et non perfecisset**]=et inchoasset. Cp. de fin. IV § 34 *ut Phidias potest a primo instituere signum idque perficere, potest ab alio inchoatum accipere et absolvere,—huic similis est sapientia.*

l. 4. **persecutum**] 'followed out.'

CHAPTER III

§ 11, l. 5. **de iudicio**] 'concerning his opinion,' viz. that expediency may come into conflict with moral rectitude.

l. 8. **disputari**] The verb *disputare* has two meanings (1) 'to speak at length upon,' 'discourse,' 'examine into,' where one person is engaged, as in § 7 *de officiis disputavit*, 'has discussed the subject of moral duties,' (2) 'to argue about,' where several persons are engaged, =*in utramque partem disceptare*, in our sense of the word 'dispute,' as here and I § 9. Cp. Acad. II § 7 *neque nostrae disputationes quicquam aliud agunt, nisi ut in utramque partem dicendo eliciant et tamquam exprimant aliquid, quod aut verum sit aut ad id quam habet aliquid proxime accedat*, de fato X 21 *illa sententia disputationis.*

l. 9. **Stoicis—Peripateticis**] The Stoics declared that in comparison with virtue all other things sank into absolute insignificance, while the Peripatetics declared that they had a certain though infinitesimally small significance. See I § 6 note.

l. 10. **ita—ut**] 'so far...as that,' 'in so far...as' in a restrictive sense, the subj. therefore is not final but consecutive, as I § 28, § 88, III § 13. See Roby Gr. II 1704, Kenn. Gr. § 205, 5, Key Gr. § 1451 *b*.

l. 11. **vestris**] Cratippus was himself a Peripatetic, II § 8 l. 29.

l. 12. **ex altera parte collocata vix cet.**] Here and in § 18 Cicero appears to be thinking of Critolaus' simile of a pair of scales. See Tusc. V § 51 *quo loco quaero, quam vim habeat libra illa Critolai, qui cum in alteram lancem animi bona imponat, in alteram corporis et externa, tantum propendere illam boni lancem putet, ut terram et maria deprimat*, de fin. V § 90 *si satis erit hoc perceptum...tantam vim esse virtutis, ut omnia, si ex altera parte ponantur, ne appareant quidem. Ex altera parte=in altera librae lance.*

l. 13. **instar**] Cp. II § 69 l. 20.

l. 14. **contendere**] 'come in collision with,' 'clash with.'

l. 15. **qui primum haec**] II § 9, de legg. I § 33 *recte Socrates execrari eum solebat qui primus utilitatem a natura seiunxisset, id enim querebatur caput esse exitiorum omnium*, Clem. Alex. strom. II p. 499 *Κλεάνθης ἐν τῷ δευτέρῳ περὶ ἡδονῆς τὸν Σωκράτην φησὶ τῷ πρώτῳ διελόντι τὸ δίκαιον ἀπὸ τοῦ συμφέροντος καταρᾶσθαι ὡς ἀσεβές τι πρᾶγμα δεδρακότι.*

opinione] 'through an error of judgment,' not the same as *cogitatione*, 'in theory.'

l. 16. **cui quidem**] quidem is used in confirmation of a previous statement. On ita ut see above l. 10.

§ 12, l. 18. **is esset—qui diceret**] 'were the sort of man to say,' consecutive subj., cp. II § 7 *non enim sumus ii quorum vagetur animus errore nec habeat umquam quid sequatur*, Zumpt Gr. § 556.

l. 19. **efficiens utilitatis esset**] i. q. *efficeret utilitatem*, 'were productive of expediency,' § 116 *efficiens voluptatis*, 'the efficient cause of pleasure,' de orat. II § 184 *perferentes iniuriarum.*

l. 20. **ut ii**] sc. dicunt.

res expetendas—metiuntur] 'measure the worth of things desirable by the standard of pleasure, (as did Aristippus (III § 116) of the Cyrenaic school, B.C. 370,) or by privation of pain,' as did Hieronymus of Rhodes (B.C. 300) who reckoned the highest good to be *ἀναλγησία*, a word which Cicero translates in various ways, as *nihil dolere, doloris omnis amotionem, cum dolor omnis detractus est, ut ita dicam indolentiam, doloris vacuitatem, sine ulla molestia vivere* de fin. II § 16.

l. 21. **indolentia**] a word coined by Cicero to translate Gr. *ἀναλγησία*.

aliquando] above § 2 l. 18.

l. 22. **pugnare**] 'clashes with,' 'is repugnant to.'

l. 23. **specie quadam utilitatis**] 'with some sort of show of expediency.' There is a reference here to the Stoic theory of *προηγμένα* and *ἀποπροηγμένα*. Although virtue is in their eyes the *solum bonum* (l. 9), still there are such differences amongst other things as will incline the wise men to desire some of them (*προηγμένα*=*producta, praecipua*, de fin. III § 51) and reject others (*ἀποπροηγμένα*=reiectanea de fin. IV § 72), his real happiness, however, remaining absolutely unaffected.

l. 24. **accessione—decessione**] 'addition'—'subtraction,' de div. II § 36 *decessio capitis aut accessio*, Timaeus c. 6 *neque enim ulla decessio*

fieri poterat neque accessio, Rabir. Post. § 30 *utrum accessionem decumae an decessionem de summa fecerit.*

l. 26. videretur—est] Observe the change of moods, the one clause being subjective, the other objective: cp. § 18 *quod utile videatur—quod honestum est.*

l. 27. compararetur] consecutive subjunctive after *in qua*, 'of such a kind—that.'

§ 13, l. 28. convenienter naturae vivere] infinitive in apposition with *summum bonum*, I § 37 l. 14 'to live conformably to nature' (ὁμολογουμένως τῇ φύσει), the sum of the tenets of the Stoic philosophy, was to rise above the disorderly habits and gross indulgences of the vulgar to higher laws of action which nothing but self-denial and self-command would enable the aspirant to observe. 'Φύσις, *natura*, denoted originally the material universe regarded as the result of some primordial element or law...The later Greek sects extended the term till it embraced not merely the visible creation, but the thoughts, observances and aspirations of mankind, the moral phenomena of society considered as resolvable into some general and simple laws.' Sir H. Maine, Ancient Law, p. 53 f. cp. de fin. V § 24.

l. 29. cum virtute congruere] According to the Stoics, virtue and perfected nature were one: cp. de leg. I § 25 *est autem* virtus *nihil aliud quam in se perfecta et ad summum perducta natura*, de Invent. II 53 virtus *est animi habitus naturae modo atque rationi consentaneus:* see Introd. § 14.

l. 30. cetera] all other things, such as health, strength, mental abilities, riches, honours, prosperity, and generally *bona externa*, *bona corporis.* All these things, which the Stoics considered to be *secundum naturam* (κατὰ φύσιν), as their opposites were *contra naturam*, they regarded as indifferent things in comparison with virtue, placing them in the category of 'neither good nor evil.' See Introd. § 22, Acad. I 10, Schwegler Hist. Phil. p. 128 ff. Engl. tr.

essent—repugnarent] On the use of the imperfect after the present see note on I § 87, II § 1, § 56.

l. 31. ita legere, si] 'on condition that,' I § 28, III § 11, de sen. § 38 *ita senectus honesta est, si se ipsa defendit.* On *legere* Heusinger remarks 'quae *legenda* esse concedebant, ea *praeposita* vel *praecipua* (προηγμένα) dicebant, his contraria *reiectanea.* Vide de fin. III § 50, § 51, IV § 69, § 70.' The corresponding Greek term to *legenda* is ληπτά.

l. 32. putant quidam] sc. Stoici. **hanc comparationem]** i.e. between the *honestum* and *utile.*

l. 33. nec omnino de eo genere quicquam praecipiendum fuisse] 'and that no practical lessons at all ought to have been given on questions of that nature.'

P. 101, l. 1. atque—quidem] corrective = Gr. καίτοι, see Hand Tursell I p. 494 f.

illud—honestum, quod proprie vereque dicitur] i.e. in its philosophical or ideal sense (§ 1 and § 17), in opposition to *secunda honesta* § 15. On *vere* cp. § 1 l. 10.

illud quidem—id] cp. I § 126 for a similar pleonasm, de fin. V § 22 *id ipsum honestum, quod amplecti vult, id efficit turpe*, Tusc. III 71, Philipp. II § 30, § 63, § 101, Madvig Gr. § 489 a.

l. 5. nullo modo] sc. *esse potest*, Zumpt Gr. § 781.

similitudines honesti] cp. I § 46 *simulacra virtutis*, de div. § 71 *haec —simulacra sunt auspiciorum, auspicia nullo modo*, de off. III § 69 *umbra et imagines* in opposition to *germanae iustitiae solida et expressa effigies.*

§ 14, l. 6. haec enim officia] i.e. *quae—multi assecuntur etc.* The statement introduced by *enim* is in the relative clause, cp. I § 119, II § 17. Beier places the words *media Stoici appellant* in a parenthesis and makes *ea* redundant after *haec*, as above l. 1 *illud quidem—id.*

l. 7. media] because lying between the things *secundum naturam*, and the things *contra naturam*, such as those recommended in the *Enchiridion* of Epictetus. See I § 8, Introd. § 20 and cp. Tusc. III § 11.

communia] i.e. cum omni hominum genere § 15, 'shared by them in common with all men.'

l. 8. ingenii bonitate] i.q. *naturae bonitas* I § 5, Gr. εὐφυΐα τῆς ψυχῆς, 'natural inborn goodness.'

progressione discendi] 'by advancement in learning,' because virtue is a thing that may be taught and depends on knowledge, προκοπή, *quae debetur doctrinae et disciplinae.* Introd. § 23.

l. 9. rectum] Stobaeus ecl. eth. II 184 [p. 586 *ed. Gaisford*] κατόρθωμα δ' εἶναι λέγουσι καθῆκον, πάντας ἐπέχον τοὺς ἀριθμούς· ἢ καθάπερ προείπομεν, τέλειον καθῆκον.

l. 11. omnes numeros habet] πάντας ἔχει τοὺς ἀριθμούς, 'is complete.' Some take this expression to be a metaphor from the *palaestra*, by an analogy between graceful motions and poetic numbers, others, to mean that which is complete in all its parts, like Greek τετράγωνος, 'square,' i.e. perfect, with no inequality. Cp. the phrase *omnibus numeris absolutus*, also de fin. III § 24 *quae nos aut recta aut recte facta dicamus, si placet, illi autem appellant* κατορθώματα, *omnes numeros virtutis continent*, i.e. as it is expressed by Plutarch de Stoic. repugn. 7 p. 1034 ὁ κατὰ μίαν ἀρετὴν ἐνεργῶν κατὰ πάσας ἐνεργεῖ, de nat. deor. II § 37 *expletum omnibus suis numeris et partibus*, de div. I § 23 *quod omnes habet in se numeros veritatis.*

cadere in] 'fall within the province of,' 'belong to,' 'affect,' a favourite phrase with Cicero, § 17, § 81, Tusc. III § 12 *cadere in sapientem aegritudinem dixisti.*

§ 15, l. 13. cumulate] 'amply,' 'abundantly,' de div. I § 3 *quae (quaestio) ut plene esset cumulateque perfecta.*

l. 14. propterea, quod] because, to the popular apprehension, there is no distinction between the *media* and *perfecta officia*, the former fully answering their idea of perfection.

l. 15. quid absit a perfecto] i.e. quantum desit ad optimi perfectionem. **non fere]** I § 61, II § 69.

l. 17. quod idem] so Heine after Non. p. 488 reads for the vulgate *quod item*, comparing I § 116 *quod idem fecit Timotheus.*

l. 18. ut delectentur] subj. in *ut*-clause, defining *quod usu venit* 'what happens,' 'is an ordinary occurrence,' namely that.

l. 20. quod capiat] 'of a kind to catch,' 'take the fancy of.'

l. 22. cum sunt docti a peritis cet.] 'after they have been taught by experts, they readily waive their opinion.'

CHAPTER IV

l. 24. quasi secunda quaedam] i.q. *secundaria*, 'a sort of second-grade moral duties.' *Quasi* serves to modify the expression *secunda honesta* used to express what the Stoics called *μέσα καθήκοντα*, not *δεύτερα καλά*. For *quaedam* see note to I § 95.

l. 25. communia] above § 14, l. 7.

§ 16, l. 26. virtutis indoles] i.q. *similitudo honesti, inchoata virtus*, in opp. to perfect and complete virtue.

commoventur] 'are influenced,' I § 55 l. 14, II § 32, III § 35.

l. 27. duo Decii] cp. I § 61 where also they are mentioned together with the two Scipios. The father devoted himself for the good of his country in the Latin War B.C. 340 (Liv. VIII 9, Cic. de div. I § 51, Herenn. IV 44), the son (B.C. 295) in the Samnite War.

duo Scipiones] the elder and younger Africanus.

l. 28. Fabricius] I § 40 l. 24.

aut Aristides] Obviously an interpolation. Cicero is taking his examples from Roman, not from Greek history; also for *justus nominatur* we should have expected *iusti nominantur*, as *commemorantur* is used just before; *aut* is omitted in some MSS and the best MSS of Lactantius inst. div. VI 6, 26, where this passage is quoted, have *ab hoc*, not *ab his*.

l. 30. tamquam a sapiente] 'as though from the ideal perfect man of the Stoics.' The Stoics attached such superhuman excellences to their *sapiens*, that their leading philosophers scarcely ever ventured to name any person as having actually attained to them. Cf. Tusc. II § 51 *in quo vero erit perfecta sapientia, quem adhuc nos quidem vidimus neminem, sed philosophorum sententiis, qualis hic futurus sit, si modo aliquando fuerit, exponitur*. See Introd. § 19.

l. 32. habiti] sc. *sunt*.

l. 33. M. Cato] M. Porcius Cato Sapiens the Censor, de am. § 6 *quasi cognomen iam habebat in senectute Sapientis*, § 9 *aut enim nemo, quod quidem magis credo, aut, si quisquam, ille* (Cato) *sapiens fuit*, de sen. § 5 where Cato himself says to those who expressed admiration of his wisdom *utinam digna esset opinione vestra nostroque cognomine*.

C. Laelius] de am. § 6 Fannius says to Laelius *existimare debes omnium oculos in te esse coniectos unum; te sapientem et appellant et existimant*.

ne illi quidem septem] 'no more were the famous seven,' *sapientes* being understood, as in de am. § 59 *a Biante, qui sapiens habitus esset. unus e septem*, ib. § 7 *nam qui septem appellantur, eos qui ista subtilius quaerunt in numero sapientium non habent*. So *duodecim* stands sometimes for *duodecim tabulae* (de leg. II § 60), and in Gr. *οἱ ἑπτὰ* for *οἱ ἑπτὰ σοφοί*. The seven sages were Bias, Chilo, Cleobulus, Pittacus, Periander, Solon, Thales. On ne—quidem cp. II § 58 l. 10 note.

P. 102, l. 1. ex mediorum officiorum frequentia] 'from (because of) their constant practice of *media officia*.'

§ 17, l. 3. quod vere honestum est] 'what is morally right in the true sense of the word,' § 1 l. 10, § 17 l. 8.

cum utilitatis repugnantia] i.e. *cum utilitate quae repugnat honestati*, 'with expediency when it is repugnant to rectitude.' Cp. I § 122 *ineuntis aetatis inscitia constituenda est*.

l. 4. communiter] i.e. docti indoctique.

l. 5. bonos se viros haberi volunt] I § 65 n.

l. 7. in nostram intellegentiam cadit] 'is on a level with,' 'falls within our comprehension,' i.e. whereof we are capable, according to the Stoic theory that virtue is wisdom. Cp. § 14 l. 11, de nat. d. I § 21 *quod ne in cogitationem quidem cadit*.

l. 8. nobis] by us ordinary men.

illud] sc. *tuendum conservandumque est*.

quod—vere est honestum] *κατόρθωμα*.

l. 9. aliter] i.q. alioqui, 'otherwise,' I § 139, II § 42 l. 21.

teneri] 'be maintained,' *progressionem tenere* after the analogy of the expressions, *cursum, iter, fugam tenere*. The meaning of *progressio* (*προκοπή*) Cicero explains Acad. I 5 *quod inchoatum est neque absolutum progressio quaedam ad virtutem appellatur*, cp. above § 14 l. 8, de fin. III § 48 *qui processit aliquantum ad virtutis habitum*, ib. IV § 64 *procedere et progredi in virtute*.

§ 18, l. 12. metiuntur] § 12.

ea] sc. *emolumenta*.

l. 13. praeponderari] § 11 *vix minimi momenti instar habeant*, § 35 *honestas omni pondere gravior*.

l. 17. hoc ipsum sensisse cet.]=nihil aliud voluisse quam quod verba sonant, (Heusinger) 'meant exactly what he said,' i.e. his words are to be taken in their literal sense.

l. 18. non modo—sed etiam] nota descensum a maiori ad minus per *non modo—sed etiam*, hoc sensu 'Turpissimum est adeo, haec duntaxat *inter se comparare et in his addubitare;* nedum *pluris putare quod utile videatur quam quod honestum*. Haec ne comparari quidem fas est.' BEIER

l. 19. quod honestum est] § 12 l. 26.

l. 21. addubitare] i.q. *ad dubitationem accedere*, 'to incline to doubt,' so I § 83, Liv. II 4, 7 *de legatis paululum addubitatum est*, VIII 10, 2 *paulisper addubitavit*.

l. 23. quale sit] subjunctive of oblique question after *dubitatio*, Madvig Gr. § 356, cp. II § 86 l. 25 *observatione, quae res prodesse soleant*.

l. 24. de quo consideretur] dependent and assimilated subjunctive.

§ 19, l. 24. tempore] 'by particular circumstances,' I § 31 l. 31 *ea* (sc. *fundamenta iustitiae*) *cum tempore commutantur*. The plural is more common in this sense. So I § 31 *sed incidunt saepe tempora*, § 59 *non iidem necessitudinum gradus qui temporum*. Cases of this kind, where circumstances are to be taken into account, were said by the Stoics to happen *κατ᾽ οἰκονομίαν*.

l. 26. ponatur aliquid quod pateat latius] 'let a particular case be supposed, which admits of a wider application,' i.e. may be applied to other similar cases. See I §§ 4, 20, 26 *quod enim est apud Ennium,—id latius patet*, which is explained I § 51 *quod ab Ennio positum in una re transferri in permultas potest*.

l. 29. si qui tyrannum occidit cet.] Loquitur scriptor de Caesaris caede, etsi eum non nominat, ut II § 23. Hic enim *coniurationis auc-*

toribus (M. Iunio) *Bruto et Cassio...adiectis etiam consiliariis caedis familiarissimis omnium et fortuna partium eius in summum evectis fastigium, D. Bruto et C. Trebonio aliisque, interemptus...et incautus ab ingratis occupatus dicitur* Velleio Pater. II 56, 3 coll. ib. 57, Appian II 107—117, Plutarch. in Caesar. c. 62, 64, 66, Dio Cass. XLIV 12 ss., Sueton. Jul. Caesar 80, Cic. de div. II § 23. BEIER

quamvis familiarem] 'however intimate with him,' I § 86.

populo quidem Romano non videtur] the *quidem* restricts the assertion to the particular word after which it is placed, and so gives emphasis to it 'as far as the public of Rome are concerned, they do not think so,' II § 23 *multorum odiis—nuper est cognitum.* Tacitus however says that opinions were divided about this (Ann. I 8), and Suetonius (Caes. 76) less decidedly, *praegravant tamen cetera facta dictaque eius ut et abusus dominatione et iure caesus existimetur.*

l. 30. praeclaris factis] the more usual expression is *praeclare factis*, Zumpt Gr. § 722.

l. 32. honestas utilitatem] sc. *vicit.* The reading of the MSS (see cr. n.) yields no sense: that which I have adopted was suggested to Unger by a passage in Ambrosius de off. III 9, 60 *itaque et honestas utilitati praelata est* (as here *utilitatem vicit*) *et utilitas secuta honestatem est.* Cp. also de amic. § 51 *non igitur utilitatem amicitia, sed utilitas amicitiam consecuta est.*

utilitatem] i.q. *speciem utilitatis*, § 17. The expression *utilitas honestatem secuta est* may be compared with § 40 *itaque utilitas valuit propter honestatem, sine qua ne utilitas quidem esse potuisset.*

P. 103, l. 2. quod honestum intellegimus] 'which we conceive of as morally right,' § 17 *quod in nostram intellegentiam cadit,* I § 95 *generale quoddam decorum intellegimus.*

l. 4. formula] i.q. *norma, regula,* a fixed general rule, or criterion to which particular cases may be referred: properly a juristic word, see § 60.

§ 20, l. 7. rationi disciplinaeque] 'method and system of instruction.' Ratio is the Greek μέθοδος, 'via qua artes traduntur vel discuntur, disciplina est artis vel doctrinae alicuius σύστημα,' Kühner Tusc. disp. I § 2. So *ratio* and *scientia* are joined de orat. I 46.

l. 8. quam quidem] sc. disciplinam.

l. 10. veteribus Academicis] the old Academics in opposition to the later school of sceptics represented by Arcesilas and Carneades, called *nostra Academia*, l. 16.

l. 11. qui quondam idem erant cet.] Because Plato the founder of the Academic sect, and Aristotle of the Peripatetic, both derived, in great measure, their doctrines from a common source Socrates. Cp. I § 2 *sed tamen nostra* (i.e. *Academica*) *legens, non multum a Peripateticis dissidentia, quoniam utrique et Socratici et Platonici volumus esse;* and de leg. I § 38 *Aristotelem et Theophrastum cum Speusippo Xenocrate Polemone* (the old Academics) *congruentes re, genere docendi paullum differentes.*

l. 12. splendidius] 'more grandly,' 'more nobly,' cp. § 101, I § 4, de fin. I § 6 *quid habent, cur Graeca anteponant iis quae et splendide dicta sint neque sint conversa de Graecis,* Tusc. III § 22 *sententiis tamen utendum eorum* (Stoicorum) *potissimum, qui maxime forti et, ut ita dicam,*

virili utuntur ratione atque sententia. Introd. § 9, Reid Introd. to Cicero's Acad. p. xxii. ed. I.

l. 13. disseruntur] The MSS reading is explained by Fabritius as = *disseri poterunt.* Cp. fin. III § 10 where a Stoic philosopher says *quidquid enim praeter id quod honestum sit expetendum esse dixeris in bonisque numeraveris:—honestum ipsum, quasi virtutis lumen, extinxeris:* and II § 35 where Zeno's *finis honestatis* is said to be *posita in decore tota, id est, honestate* without any addition or modification.

l. 15. quam ab iis] sc. *Academicis et Peripateticis.*

l. 17. licentiam dat, ut—liceat] For the subjunctive see § 15 l. 18. A similar redundancy of expression occurs in I § 8, III § 37 *hoc deliberantium genus qui deliberant,* § 96, cp. Zumpt Gr. § 750.

maxime probabile] cp. II § 7, III § 33, Tusc. V § 33 *cum aliis isto modo, qui legibus impositis disputant: nos in diem vivimus; quodcumque nostros animos probabilitate percussit, id dicimus, itaque soli sumus liberi.*

l. 18. formulam] above § 19 l. 4.

CHAPTER V

§ 21, l. 19. detrahere—hominem] i.e. *detrahere aliquem alteri aliquid et, cum sit homo, etc.* ALAN. **igitur**] 'well, then,' as a formula of commencement to introduce a statement.

l. 21. magis est contra naturam cet.] 'for nothing being so agreeable to nature as society, that which tends to the ruin and dissolution of this, must needs be of all things most contrary to Nature. Now the very end and design of society is the mutual help and assistance of each other, without which it is impossible it should ever subsist. *Ita naturalis est societatis utilitatum communio* (says Grotius) *ut sine ea nequeat societas consistere* (de iur. b. ac p. praef.). Those men therefore, who, instead of profiting, injure their fellows, do what directly tends to the ruin of society, and consequently what of all things is most contrary to Nature.' *Cockman.*

l. 23. aut corpori cet.] II § 88.

l. 24. principio] = *primum*, 'to begin with,' I § 11.

l. 25. si sic erimus adfecti] sc. *animo*, 'if we are so disposed,' I § 66 l. 33, III § 29 l. 3.

l. 27. disrumpi necesse est] Zumpt Gr. § 625, Madv. Gr. § 373 *obs.* 1, Roby Gr. II. 1356.

eam] by attraction for *id, quod maxime est secundum naturam,* sc. *societatem.*

§ 22, l. 28. unum quodque membrum] Apparently a reference to the fable of Menenius Agrippa, Liv. II 32. The same simile is used by Seneca de ira II 31, Xenophon mem. II § 18, St Paul ep. Corinth. I xii. 12—27.

l. 29. haberet—rapiat] animadverte imperfecta coniunct. in hypothesibus a veritate remotis, praesentia in iis quae accidere possunt. ZUMPT

l. 30. traduxisset] On the tense see P. S. Gr. p. 485.

valetudinem] 'soundness,' II § 86.

l. 32. quod cuique possit] sc. detrahere.

l. 34. sibi ut quisque malit—concessum est] consecutive subj. For the position of ut in the sentence cp. § 29 *neminem ut*.

P. 104, l. 1. non repugnante natura] i.e. *iure gentium*, as it is presently defined § 23, the *ius naturale* in opposition to the *ius civile*. On the nature of *ius gentium* and its practical, not speculative origin, the student will do well to consult an essay on *edicta magistratuum* in Long's Verres I p. 166, Sir G. C. Lewis' Politics II p. 30 ff. p. 133, and Maine's Ancient Law p. 46 ff. The *ius naturale* 'the law of nature' and *ius gentium* 'the law of nations' are convertible terms, see § 69, and de rep. III § 22, also Tusc. I § 13 *omni in re consensio omnium gentium lex naturae putanda est*, Justinian Inst. 1, 2 *omnes populi, qui legibus et moribus reguntur, partim suo proprio, partim communi omnium hominum iure utuntur; nam quod quisque populus ipse sibi ius constituit, id vocatur ius civile, quod vero naturalis ratio inter omnes homines constituit, id vocatur ius gentium quasi quo iure omnes gentes utuntur*. Aristotle, rhet. I 13 ὥρισται δὴ τὰ δίκαια καὶ τὰ ἄδικα πρός τε νόμους δύο καὶ πρὸς οὓς ἐστι διχῶς. λέγω δὲ νόμον τὸν μὲν ἴδιον τὸν δὲ κοινόν, ἴδιον μὲν τὸν ἑκάστοις ὡρισμένον πρὸς αὑτοὺς καὶ τοῦτον τὸν μὲν ἄγραφον, τὸν δὲ γεγραμμένον, κοινὸν δὲ τὸν κατὰ φύσιν· ἐστὶ γάρ, ὃ μαντεύονταί τι πάντες, φύσει κοινὸν δίκαιον καὶ ἄδικον κἂν μηδεμία κοινωνία πρὸς ἀλλήλους ᾖ μηδὲ συνθήκη, οἷον καὶ ἡ Σοφοκλέους Ἀντιγόνη (450—457) φαίνεται λέγουσα ὅτι δίκαιον ἀπειρημένον θάψαι τὸν Πολυνείκη, ὡς φύσει ὂν τοῦτο δίκαιον· οὐ γάρ τι νῦν γε κἀχθές, ἀλλ' ἀεί ποτε ζῇ ταῦτα, κοὐδεὶς οἶδεν ἐξ ὅτου 'φάνη. Thucyd. II 37.

non patitur, ut—augeamus] Zumpt Gr. § 613, de am. § 87 *is pati non posset ut non anquirat aliquem.*

§ 23, l. 3. natura, id est iure gentium] admonet haec eadem esse, ut apte a natura transeat ad singularum civitatum leges commemorandas. Madvig de fin. II § 6 p. 144 ed. 2.

l. 4. legibus populorum cet.] 'the laws of particular communities upon which the government in each state depends for its safety.' Contineri in re means 'to be comprised in anything,' so as not to go beyond it, contineri re, 'to be dependent upon it,' II § 58, I § 20 l. 14.

l. 6. sui] II § 73 l. 34. Aliquem is to be understood as the subject.

hoc—spectant leges] 'this is what the laws look to,' I §§ 7, 25, II § 45, III § 90.

l. 8. quam] 'and those who dissever it,' sc. the social tie.

damno] = *mulcta*, 'pecuniary fine.'

l. 9. atque hoc] sc. *ut non liceat hominem hominis incommodo suum augere commodum*. This second main argument branches again into three heads, introduced by *etenim—itemque—deinde* respectively.

efficit ipsa naturae ratio] i.e. *ratio quae inest in ipsa natura, recta ratio, hoc* declarat, docet, probat. For this meaning of *efficere* cp. I § 160. It is followed sometimes by the acc. and infinitive, more frequently by *ut* consecutive or definitive with the subjunctive, Kühner Tusc. I § 77.

l. 10. naturae ratio, quae est lex div. et hum.] Cp. Diogen. Laert. VII 88, where Chrysippus bids us ὁμολογουμένως τῇ φύσει ζῆν· ὅπερ ἐστὶ κατ' ἀρετὴν αὑτοῦ καὶ κατὰ τὴν τῶν ὅλων, οὐδὲν ἐνεργοῦντας ὧν ἀπαγορεύειν εἴωθεν ὁ νόμος ὁ κοινός, ὅσπερ ἐστὶν ὁ ὀρθὸς λόγος διὰ πάντων ἐρχόμενος, ὁ αὐτὸς ὢν τῷ Διὶ καθηγεμόνι τούτῳ τῆς τῶν ὄντων διοικήσεως ὄντι. The universal, all-pervading reason, the primary law in the community of gods and men (I § 153), in Cicero *lex summa, vera atque princeps, ultima; ratio summa insita*

in natura, quae iubet ea, quae facienda sunt, prohibetque contraria de leg. I § 18. Cp. de nat. deor. II § 79 *sequitur, ut eadem sit in iis (dis) quae humano in genere ratio, eadem veritas utrobique sit eademque lex, quae est recti praeceptio pravique depulsio*, with de legg. I § 23 *est igitur, quoniam nihil est ratione melius eaque est et in homine et in deo, prima homini cum deo rationis societas; inter quos autem ratio, inter eos etiam recta ratio communis est: quae cum sit lex, lege quoque consociati homines cum deis putandi sumus.*

l. 11. qui velit—committet] for *qui volet.*

l. 12. numquam committet ut—appetat] 'will never act so as to covet.' Committere ut always in a bad sense, I § 81, II § 50.

§ 24, l. 14. etenim cet.] from the universal reason he infers the rational nature of man, as its copy. In the grandest maxim of the Stoics ὁμολογουμένως τῇ φύσει ζῆν, φύσις means on the one hand the universal law of the world, on the other its copy, the rational nature of man.

l. 16. comitas] some read *communitas*. Either would be in an abbreviated form written *cōitas*. But *comitas, iustitia, liberalitas* are the virtues which constitute the cardinal virtue *communitas*, see I § 152. In I § 20 *liberalitas* embraces *comitas*. Cp. § 118, de fin. V § 65 *quae animi adfectio suum cuique tribuens...iustitia dicitur, cui sunt adiunctae pietas, bonitas, liberalitas, benignitas, comitas quaeque sunt generis eiusdem.*

l. 18. comparantem] The acc. refers to the indefinite subject of the infinitives *contemnere, ducere*. So below l. 24 *imitantem*, l. 26 *abundantem*, § 23 l. 6, I § 92, II § 67, Zumpt Gr. § 608, Madvig Gr. § 388 b, Roby Gr. II 1430.

l. 20. de altero] = de re alterius s. de alieno.

§ 25, l. 24. Herculem illum] eius aerumnas saepius tamquam exemplum imitationis commemorat Noster finn. II § 118, III § 66, Tusc. I § 32; cf. Soph. Trach. 1010 ss., 1160 s., Arrian de reb. ind. p. 254. BEIER

l. 25. in concilio caelestium collocavit] Cp. Hor. od. III 3, 9 *hac arte Pollux et vagus Hercules enisus arces attigit igneas*, IV 5, 35 *laribus tuum miscet numen uti Graecia Castoris et magni memor Herculis*, 8, 29 *sic Iovis interest optatis epulis impiger Hercules*, epist. II 1, 10.

l. 26. in solitudine] 'in a state of isolation,' 'separated from intercourse with mankind,' the opposite of *convictus hominum et societas* I § 153.

l. 27. ut excellas] concessive subjunctive, 'though you should surpass others.'

l. 28. pulchritudine et viribus] According to the doctrine of Zeno (Diog. Laert. VII 107) εὐφυΐα and ἰσχύς, 'beauty and strength,' had in themselves (δι' αὑτὰ) a value and consequently would have the same *in solitudine*. Cp. de fin. V § 46.

l. 30. efficitur] I § 160, II § 10, III § 23.

oboedientem] = si obediat, P. S. Gr. p. 498.

§ 26, l. 32. aut nihil existimat] i.e. *hoc facit, aut quod nihil existimat cet.* Duplicem rationem esse ait, nam ille aut recte se facere putat, aut male quidem se agere confitetur, sed excusari posse putat magnitudine incommodi, quod alioquin sibi esset subeundum. Iniuriam alicui fortasse tenui et alieno homini (cf. Gramm. § 708) facere levius putat, quam mortem subire. Sic plerique agere solent, quamvis fateantur non recte se

facere. Sed hi sibi persuadere debent *animi vitium*, quae iniustitia est, re vera gravius esse quam ullum incommodum ad fortunam corpusve pertinens (*Zumpt*).

P. 105, l. 3. hominibus violandis] =violatione hominum: so *de inferenda iniuria* I § 8, II § 23.

l. 4. quid cum eo disseras, qui—hominem ex homine tollat] 'how are you to argue with one who takes away from man all that makes him man,' i.e. divests man of his human nature, strips him of the distinguishing characteristic of his humanity.

l. 5. peiora] sc. esse.

l. 6. ullum aut corporis aut fortunae vitium—existimat] 'thinks any evil affecting either person or property more serious than moral evils.' The meaning is: those who take the selfish line are either too depraved and debased for argument to be of any use, or utterly deceived and mistaken in their estimate of good and evil.

CHAPTER VI

l. 7. unum] in its strengthening force as used with superlatives, 'above all.' Cp. § 28 *haec enim una virtus omnium est domina*, II § 30, Tusc. I § 27 *itaque unum illud erat insitum priscis illis*, de nat. d. II § 74 *in te convenit, unum moribus domesticis ac nostrorum hominum urbanitate limatum.*

l. 8. ut eadem sit—universorum] 'that the interest of each separate individual and the whole collective body of the citizens be identical.' On *ut* definitive or explanatory see § 15 l. 18. Zumpt says that an infinitive clause should follow *propositum*, and that he can only account for the subjunctive by a confusion in Cicero's mind between what is and what ought to be.

l. 9. quam] eam enim. **ad se rapiet**] 'appropriate to himself.'

l. 10. consortio] i.q. *societas, convictus*, 'intercourse.'

§ 27, l. 10. atque etiam] 'and further,' I § 90.

l. 12. quicumque sit] etiamsi servus, alienigena, barbarus. *H.*

l. 13. consultum velit] i.q. *consulere velit.*

necesse est—esse] § 21 l. 27 note.

l. 15. quod si ita est—prohibemur] Cicero might still better have based his argument upon man's common possession of reason: cp. Marc. Aur. IV 4 *εἰ τὸ νοερὸν ἡμῖν κοινόν, καὶ ὁ λόγος καθ' ὃν λογικοί ἐσμεν κοινός· εἰ τοῦτο, καὶ ὁ προστακτικὸς τῶν ποιητέων ἢ μὴ λόγος κοινός· εἰ τοῦτο, καὶ ὁ νόμος κοινός· εἰ τοῦτο, πολῖται ἐσμέν.* Cp. de fin. III § 64 *mundum autem censent regi numine deorum eumque esse quasi communem urbem et civitatem hominum et deorum, et unum quemque nostrum eius mundi esse partem; ex quo illud natura consequi, ut communem utilitatem nostrae anteponamus.*

continemur] § 23 l. 4.

§ 28, l. 18. primum—extremum] 'the antecedent,' *omnium util. esse comm.*,—'the consequent,' *violare—prohibemur.* The conclusion might have been deduced immediately from the first proposition *si hoc natura praescribit cet.*

l. 19. nam] II § 47.

l. 21. aliam rationem esse] 'that it is a different consideration with,' 'that it is quite another thing with.'

l. 22. communis utilitatis causa] i.e. quae pertineat ad communem utilitatem servandam augendamque. *Z.*

l. 24. negant] sc. *rationem esse habendam.*

l. 27. quae qui tollunt etiam adversus cet.] *quae* refers to all that precedes, including *communem societatem.* Stobaeus ecl. eth. p. 216 *πᾶν ἁμάρτημα ἀσέβημα εἶναι, τὸ γὰρ παρὰ τὴν βούλησίν τι πράττεσθαι τοῦ θεοῦ ἀσεβείας εἶναι τεκμήριον.* See Introd. § 25.

l. 28. ab iis] sc. dis.

l. 29. vinculum est—arbitrari] arbitrari with the clause dependent upon it (*magis esse...iustitia*) is the subject, vinculum the predicate.

l. 31. incommoda vel externa vel corporis cet.] II § 88.

l. 32. quae vacent iustitia] Such is the reading of the MSS all but one, which Facciolati, followed by Stuerenberg, explains to mean 'quae iniuste tibi illata sint, quae non patiaris ex merito.' But even if the words could themselves bear that signification, the context and the following sentence *haec enim* cet. require that they should have a subjective force. Orelli's reading *quae non vacent iustitia* is liable to the same objection. Most editors read *quae vacent iniustitia*, explaining *haec una virtus* in the next clause to refer to *iniustitiae vacatio* implied in *quae vacent iniustitia.* Beier's reading *quae vacent iustitiae*, which he explains *quae locum relinquant, capacia sint, iustitiae* 'which leave room for the exercise of justice,' scarcely deserves attention. Heine, who in his first edition read *quae vacent iniustitia*, in his fifth retains the MS reading, and accepts the conjecture of Lambinus that something of the same sentiment which is found in § 25 originally stood here, viz.:—et rursus magis esse secundum naturam hominem homini prodesse, quam omnia commoda percipere vel externa vel corporis, *etiam ipsius animi, quae vacent iustitia.* What is to be understood by *commoda animi quae v. iust.* may be seen from Stobaeus ecl. II p. 146 *τῶν δὲ προηγμένων τὰ μὲν εἶναι περὶ ψυχὴν τὰ δὲ περὶ σῶμα τὰ δ' ἐκτός. περὶ ψυχὴν μὲν εἶναι τὰ τοιαῦτα εὐφυΐαν, προκοπήν, μνήμην, ὀξύτητα, διάνοιαν—καὶ τέχνας ὅσαι δύνανται συνεργεῖν ἐπιπλεῖον πρὸς τὸν κατὰ φύσιν βιόν.*

§ 29, l. 34. forsitan quispiam dixerit] the second objection corresponding to the first *nam illud quidem absurdum.* With this begins the discussion of the seeming conflict between moral good and expediency.

dixerit] coniunctivus potentialis, 'some one might perchance say.' Madvig Gr. § 350 a, Roby Gr. II 1536.

l. 34. nonne—abstulerit] hypothetical conjunctive perfect (rare), Roby Gr. II 1532.

P. 106, l. 1. homini] i.e. *qui quidem sit homo.*

l. 3. animi—adfectio] 'disposition,' 'mood,' 'temper,' cp. de fin. V § 65, III § 65 *ex hac animorum adfectione*, Tusc. IV § 34 *virtus est affectio animi constans conveniensque* (sc. *secum*), *διάθεσις ψυχῆς σύμφωνος αὐτῇ* as Stobaeus ecl. eth. II p. 104 expresses it. Cp. Plato legg. XI 1 *οὐ γάρ ποτε τοσοῦτον εἰς χρημάτων ὠφεληθείην ἂν κτῆσιν ἀνελών, ὅσον εἰς ὄγκον πρὸς ἀρετὴν ψυχῆς καὶ τὸ δίκαιον ἐπιδιδοίην ἂν μὴ ἀνελόμενος, κτῆμα ἀντὶ κτήματος ἄμεινον ἐν ἀμείνονι κτησάμενος, δίκην ἐν τῇ ψυχῇ πλούτου προτιμήσας ἐν οὐσίᾳ κεκτῆσθαι πρότερον*, i.e. 'for I should not gain so much in the acquisition of property, if I take up the prize, as I should grow in justice and virtue of soul, if I abstain: and this will be a better possession

to me than the other in a better part of myself, for I should prefer the possession of justice in the soul to the possession of wealth.'

l. 3. **neminem ut violem**] § 15 l. 18. For the position of *ut* see § 22 l. 34.

l. 4. **Phalarim**] II § 26, Tusc. II § 17.

l. 6. **nonne faciat**] i.e. vestitu spoliet, see note to I § 4.

haec ad iudicandum cet.] cp. I § 126 *difficilibus* ad *eloquendum*. The primary reference is to the particular question *quid? si Phalarim cet.* but it comprehends a fuller discussion of the whole subject.

§ **30**, l. 7. **homine ad nullam partem utili**] 'if he be a man good for nothing in any relation,' 'perfectly worthless,' § 29 *ad nullam rem*. The emphatic clauses of this sentence, it will be readily seen, are *utilitatis tuae causa* and *ob eam causam* (sc. *ut in vita remanens hominum societati utilitatem adferre possis*).

l. 8. **inhumane**] not 'cruelly' but 'basely,' 'meanly,' Nägelsb. lat. Stil. p. 208.

l. 9. **sin autem—si quid—detraxeris, non sit reprehendendum**] § 50 l. 24 affords another example of conditional clauses subordinate to a primary conditional clause, see Madvig de fin. II § 111, Nägels. lat. Stil. § 149.

l. 11. **ob eam causam**] sc. *ut in vita remanens hominum societati utilitatem adferre possis*.

l. 14. **non igitur cet.**] therefore, because in the interests of society a worthless man is robbed of something, it does not follow that, etc. Cp. § 35 *tum non utilitas relinquenda est*.

l. 15. **aut quid eius modi**] for aliquid aliud *eiusmodi*, Zumpt Gr. § 708, Madvig Gr. § 493 a.

§ **31**, l. 20. **qui si occiderit cet.**] 'whose death would be a great loss to the public weal.'

l. 21. **modo hoc ita faciat ut ne cet.**] i.e. transferat res ad viv. nec. I § 4. Translate: 'provided he do so in such a way as not to make his self-esteem and self-love the occasion of acting unjustly towards others,' II § 72 l. 21. For *ut ne* see Madvig Gr. § 456 *obs.* 4. *Hanc causam*, i.e. *haec* (hanc existimationem et hunc amorem) *habeat causam*.

l. 22. **sese diligens**] sc. *nimis* (φίλαυτος), cp. I § 29 *nisi nosmet ipsos valde amabimus*.

l. 23. **ad iniuriam**] sc. faciendam, Hand Tursell. I. 112.

ita] i.e. *cum nemini detrahet nisi propter communem hominum quam plurimorum societatisque humanae utilitatem, cuius derelictio iniusta est*, 'in this way,' 'by so doing.' Cp. II § 20 l. 33 note.

§ **32**, l. 25. **nam**] above § 27.

l. 26. **nulla est enim cet.**] a covert allusion to the death of Caesar: cp. § 19, II § 23.

l. 27. **et potius**] for *sed potius* after a negative, so *potiusque* I § 92 l. 29, *ac potius* I § 68.

l. 30. **exterminandum**] 'to be expelled,' II § 80 l. 15. Cp. Gr. ἐξορίζεσθαι.

l. 31. **si et ipsa sanguine cet.**] *ut cetera pars corporis tuta sit, membrum, quod paulatim emoritur, abscindere* iubet Celsus de med. V 26, 34 extr. Quod Celsus *paulatim emori*, id Cicero *incipere sanguine et tamquam spiritu carere* dicit. *Sanguis* autem est vita. Sic Horat. I od. 24, 15 *num vanae redeat sanguis imagini*. Verba *et ipsa* (sibi suo damno, in suam perniciem) opponuntur illis *et nocent reliquis*. *H.*

l. 32. **spiritu**] 'the vital principle.'

P. 107, l. 1. **in figura hominis**]=cum sit hominis figura, 'with the outside of a man.' *In* with the ablative, if not part of the predicate, frequently stands for a secondary clause: cp. I § 22 and see Kritz on Sallust Cat. II § 10 p. 15.

inmanitas] in opposition to *humanitas*, as § 82 *hominis figura inmanitatem gerat beluae*, pro S. Rosc. § 63 *portentum est esse aliquem humana specie et figura qui tantum inmanitate bestias vicerit*.

l. 2. **a communi tamquam humanitatis corpore**] 'from what may be called the common body of humanity.' *Humanitas* is not here used simply as equivalent to *humanum genus*, an usage peculiar to later writers (see Quintil. decl. VIII. 3 *maximi tamen virorum et quibus artis suae non sit solvendo humanitas*, Minucius Felix Octav. VIII 2, XXVI 10, with my note ad l. and Bünemann to Lactantius inst. p. 531), but mankind are considered as one person, whose soul is *humanitas*, 'the abstract of men's virtues,' and whose body is composed of individual men. Cp. Seneca ep. 95, 52 *omne hoc quod vides, quo divina et humana conclusa sunt, unum est: membra sumus corporis magni*. For *corpus* cp. Livy III 34 *duas deesse tabulas, quibus adiectis absolvi posse velut corpus omnis Romani iuris*, i.e. the xii Tables.

l. 3. **ex tempore officium**]=τὸ κατὰ περίστασιν καθῆκον, see under § 8 and cp. § 19 *tempore fit*.

CHAPTER VII

§ **33**. The foregoing chapters are in form introductory, and yet they contain the essence of Cicero's ideas on the subject of this Book. What follows seems to consist of repetitions and illustrations of those ideas. *Garve.*

l. 6. **persecuturum fuisse**] 'would have followed up.' P. S. Gr. p. 486, 9, Roby Gr. II 1570, Madvig Gr. § 409.

aliqui casus] I § 115, Zumpt Gr. § 135.

l. 7. **peremisset**] i.q. *sustulisset*, 'had frustrated,' 'cut short his design.' Cp. Cic. pro Sest. § 49 *si causam publicam mea mors peremisset*, de harusp. resp. § 23 *si ludi non intermissi, sed perempti atque sublati sunt*, pro Planc. § 101 *si vis aliqua maior mihi reditum peremisset*. Hence, as Heusinger observes, *peremptorium* is *id quod perimit*, that which 'puts an end to' the discussion and brings matters to a conclusion.

l. 8. **ex superioribus libris satis multa praecepta sunt**] a want of exactness in expression similar to that in I § 15 *ex ea parte, quae prima descripta est—inest indagatio atque inventio veri*. Instead of *praecepta peti possunt* Cicero says *praecepta sunt*. The meaning is 'there are indeed precepts enough out of his former books relating to the above-mentioned doubts and scruples, from which it may be seen clearly, what is to be avoided because of its immorality, what again is not to be avoided because of its not being absolutely in all cases immoral.' Heine in his fifth and last edition adopts the heroic remedy of omitting *ex:* Beier before him had suggested that it should be transferred before *quibus*.

l. 12. **inchoato**] 'incomplete,' 'defective,' I § 153.

l. 13. fastigium] 'the gable-end of a roof,' Cic. ep. ad Quint. fr. III 1, 14 *tectum multorum fastigiorum;* hence metaphorically 'the last or crowning point.'

l. 14. geometrae] 'mathematicians,' Tusc. I § 5 *in summo apud illos honore geometria fuit, itaque nihil mathematicis illustrius,* de fin. V § 83 *ut in geometria prima si dederis danda sunt omnia.*

l. 15. quo facilius—explicent] i.e. ut eo *facilius explicent,* final subj. 'in order to explain more easily thereby what they want.'

l. 17. si potes] in opposition to *sin non licet,* l. 19.

l. 18. expetendum] *expetenda* esse Stoici dicebant, quae per se bona cetera *legenda* vel *sumenda,* 3 § 12, 13. *H.*

l. 19. sin hoc non licet per Cratippum] 'but if you may not without hindrance from Cratippus,' cp. pro Mil. § 43 *quod aut per naturam fas esset, aut per leges liceret,* Verr. V 49 *si per L. Metellum licitum esset.*

at illud certe dabis] 'yet this at all events you will grant.' Cp. I § 35, § 114, Madvig Gr. § 437 c.

dabis] i.q. concedes, de fin. II § 82, IV § 49, de div. I § 113.

l. 20. maxume propter se] the doctrine of the Peripatetics, to which sect Cratippus belonged.

l. 21. mihi utrumvis satis est cet.] 'either of the two you please is sufficient for my purpose, and now this, now that appears more probable,' *tum hoc,* the Peripatetic doctrine *honestum esse proxume propter se expetendum; tum illud,* the Stoic *sola honesta esse bona.* Cp. de am. § 13 *qui* (Socrates) *non tum hoc, tum illud, ut in plerisque, sed idem semper* (sc. *dicebat*). 'The later Academics, particularly Arcesilas and Carneades...prided themselves on not being obliged to support dogmatically any set of views, while others were in bondage to doctrines, they alone were free to put forward 'now this, now that.' Cp. Cic. Academica *passim* but particularly 2, 134 *tum hoc mihi probabilius, tum illud videtur,* 2, 121 *modo hoc modo illud probabilius videtur;* also de nat. d. 1, 47 *Cotta meus modo hoc modo illud,*' Reid on Cic. de am. § 13 (Pitt Press Series 1879). See my Introd. § 7 and § 20.

§ 34, l. 23. Panaetius defendendus est] Against this reproach Cicero has already defended Panaetius § 18.

quod dixerit] P. S. Gr. § 196 *obs.* 1.

l. 24. utilia] things really expedient in opp. to *quae viderentur utilia.*

l. 25. neque enim ei fas erat] for he could not consistently say so, since as a Stoic he held that rectitude was not only the highest but the sole good, § 11.

l. 26. nihil vero] *vero* pertinet ad solutionem dubitationis modo iniectae. *Z.*

l. 28. pestem] II § 73.

l. 29. distraxerint] § 11 *itaque accepimus Socratem exsecrari solitum eos qui primum haec natura cohaerentia opinione distraxissent cet.*

l. 30. aliquando] 'upon certain occasions,' § 1.

l. 31. ea] i.e. the apparently and really moral and expedient.

si quando incidissent] sc. *diiudicanda,* 'if ever they should fall in,' i.e. if cases should occur for decision: I § 31, III §§ 40, 50.

l. 32. eam quae videretur esse, non quae esset, repugnantiam] 'a seeming, not actual, collision,' i.e. between *honestum* and *utile.*

P. 108, l. 1. nullis adminiculis] II § 61.

l. 2. Marte nostro] 'of our own resources,' 'independently.' A proverbial expression, borrowed from waging war without foreign aid. Nägelsb. lat. Stil. p. 210, Philipp. II § 95 *rex ipse sua sponte—suo Marte res suas reciperavit.*

l. 3. quod quidem mihi probaretur] 'of such a nature, at least, as to satisfy me.' Introd. § 30. On the restrictive use of the consecutive subjunctive with *qui* see Madvig Gr. § 364 *obs.* 2, Zumpt Gr. § 559.

l. 4. de iis]=*ex iis,* 'from among those,' cp. pro Milon. § 65 *se gladio percussum esse ab uno de illis,* Horat. Od. III 11, 33 *una de multis face nuptiali digna,* de off. II § 32 *de illis tribus, quae ante dixi benevolentiae praecepta videamus.* Cp. Hand Tursellinus II p. 196 ff. For the double ablative *de hac parte—de iis* cp. Madvig Gr. § 278 a.

CHAPTER VIII

§ 35, l. 5. cum—aliqua species utilitatis obiecta est] cp. II § 37, de fin. I § 47 *plerique—obiecta specie voluptatis tradunt se libidinibus constringendos.* **species**='specious appearance.'

l. 6. commoveri necesse est] § 16. The object must necessarily make an impression on us, but it depends on ourselves whether we yield to that impression or not (*συγκατάθεσις, assensus*). An indefinite subject is implied: in the following clause the indefiniteness is continued by the use of the verb in the second person, Madvig Gr. § 388 b *obs.* 2, Zumpt Gr. § 608 n., Roby Gr. II 1430.

l. 8. tum non utilitas relinquenda est] 'then it is not required that you should sacrifice expediency, but that you should clearly see that it is not possible there can be any benefit, where there is immorality.' Cp. § 30 and § 40.

l. 10. quod si nihil est cet.] Cicero's argument is this:—'There cannot be any inconsistency in nature. But Nature teaches all men to regard what is expedient, to shun what is morally wrong. Therefore if the desire of expediency and moral good is a natural desire, these must be naturally inseparable, at all events it is absurd to suppose that expediency and moral wrong can be found in the same thing.' Observe that Cicero is here speaking of absolute expediency.

l. 11. convenientia—constantia] 'things in accordance with our rational nature,' 'propriety'—'things in agreement with themselves,' 'consistency.'

l. 13. secundum naturam] 'in unison with nature.'

l. 14. itemque] The second syllogism, which differs but little from the first. In both something that remains to be proved is supposed as the foundation of the proof. The syllogism was the form of speech in which the Stoics liked best to prove their positions and attack their opponents. Cicero speaks (Tusc. II § 42) of the *contortulae et minutae conclusiunculae Stoicorum nec ad sensus permanantes.*

l. 16. Zenoni] The founder of the Stoic sect, surnamed *Cittieus,* from his birthplace Cittium, a town in Cyprus. See above § 11, I § 6.

certe]=*profecto, sine dubio,* Gr. δηλονότι, 'assuredly,' cp. Hand Tursell. II p. 19.

omni pondere gravior] A similar expression is found de fin. II § 109 *omnibus partibus maiores*, where Madvig observes 'sic Latini loquuntur, cum id significant quod Germanis est '*unendlich grösser*.' Est enim quasi ultimum et extremum eius multiplicationis, qua *multis partibus maius aliquid dicimus* (*vielmal*): conf. de Invent. I 58 *omnibus partibus commodius*, Lucretius I 735 *inferiores partibus egregie multis*.' Cp. § 11 *minimi momenti instar*, and see Nägelsb. lat. Stil. p. 37.

l. 17. necesse est, quod honestum cet.] The same syllogism as in de fin. III § 27 *quod est bonum, omne laudabile est, quod autem laudabile est, omne est honestum, bonum igitur quod est, honestum est*, cp. II § 10.

l. 19. ita] 'consequently.' *Ita* is often used thus to mark a deduction from certain premises; as I § 10 *ita quam ille triplicem cet.*, Tusc. I § 12 *si igitur non sunt, nihil possunt esse: ita ne miseri quidem sunt*, § 58 *animus, cum se conlegit atque recreavit, tum agnoscit illa reminiscendo. Ita nihil est aliud discere nisi recordari*. Cp. Hand Tursell. III p. 485 who says 'Itaque procedit ad aliud quod latius patet, ita acquiescit in re demonstranda.'

§ 36, l. 21. arripuit] The subject is *error=homo errans*, abstract for concrete, as I § 29 *actio=qui agit*.

continuo] 'without any break or interval.'

l. 22. hinc sicae cet.] 'this is the origin of assassinations, poisonings, forgeries of wills, thefts, embezzlement of public monies.' Cp. de nat. deor. III § 74 *tum haec quotidiana, sicae, veneni, peculatus, testamentorum etiam lege nova quaestiones*.

l. 24. opum nimiarum, potentiae non ferendae] sc. *cupiditates*.

l. 26. cupiditates] I § 103.

nihil nec—nec] see note to § 76 l. 23, § 102 l. 3, I § 66, § 92, II § 44.

l. 28. fallacibus iudiciis] 'with mistaken conclusions,' 'in their false appreciation.' **poenam—legum**] h. e. *a legibus constitutam*.

l. 29. quam perrumpunt] Verr. I 5, 13 *confringat iste sane vi sua consilia senatoria, quaestiones omnium perrumpat, evolet ex vestra severitate*, orat. part. § 112 *depellendi criminis vel perrumpendi periculi*, de leg. II § 43 *iudicia perrupta ab iisdem*.

ipsius turpitudinis] § 102, Seneca ep. 87, 24 *atqui maximum scelerum supplicium in ipsis est*.

l. 30. hoc genus deliberantium] 'this sort of deliberation.' Nägelsb. lat. Stil. § 29. 2.

§ 37, l. 32. qui deliberant] i.e. *quod est eorum qui*—a repetition of the participle *deliberantium*, occasioned by the parenthesis. Cp. § 20 *licentiam dat...ut liceat*.

l. 34. dubitatione] i.q. *deliberatione*, I § 30.

P. 109, l. 1. ad id] sc. *facinus committendum*. With *pervenerint*, cp. Gr. ἐπεξελθεῖν.

l. 5. satis] 'thoroughly.'

l. 6. si modo in philosophia cet.] 'if we have but made some actual proficiency in philosophy.' *Aliquid*, 'something definite,' 'something worth mentioning.' *Aliquis* after *si* is more vivid and emphatic than *quis*, Madvig Gr. § 493 a *obs.* 1, Donaldson Lat. Gr. p. 388, Kenn. Gr. p. 290: cp. Cic. Phil. XIII. 1 *proximo bello si aliquid de summa gravitate Pompeius, multum de cupiditate Caesar remisisset, et pacem stabilem et aliquam remp. nobis habere licuisset*, i.e. 'if Pompey had given up *somewhat* of his high dignity, if Caesar had given up much of his ambition, we might have had durable peace,' pro Mil. § 24 *timebat Pompeius omnia, ne vos aliquid timeretis*, 'Pompey feared all things, that you might not have some particular object of fear,' in opp. to nothing. Cp. for the sentiment Isocrates ad Demonic. c. 6 § 5 μηδέποτε μηδὲν αἰσχρὸν ποιήσας ἔλπιζε λήσειν· καὶ γάρ, ἂν τοὺς ἄλλους λάθῃς, σαυτῷ γε συνειδήσεις. Cicero uses this rule to distinguish between *boni* and *callidi viri* also in de leg. I § 40.

CHAPTER IX

§ 38. l. 9. hinc]=*hac causa*, 'for this reason,' 'to illustrate this truth.'

ille Gyges] 'the well-known Gyges,' the Lydian shepherd, who put to death king Candaules and seized the throne of Lydia and became the founder of the Mermnadae, Herod. I 8—12. Plato (de rep. II p. 359) makes the same use of the story which Cicero does here.

l. 10. cum terra discessisset cet.] de div. I 97 *cum caelum discessisse visum esset*. The words of Plato are ῥαγῆναί τε τὴν γῆν, καὶ γενέσθαι χάσμα—καὶ ἰδεῖν ἄλλα τε δή, ἃ μυθολογοῦσι, θαυμαστὰ καὶ ἵππον χαλκοῦν, κοῖλον, θυρίδας ἔχοντα.

qui] observe the accumulation of relatives, *qui—cuius—quibus—quem*.

l. 11. illum] sc. *quem terra discedens fecerat*.

l. 13. magnitudine inusitata] Plato has μείζων ἢ κατ' ἄνθρωπον.

l. 14. ut] i.e. *postquam*.

l. 15. in concilium se pastorum recepit] 'repaired to the company of the shepherds.' Plato's words are, συλλόγου δὲ γενομένου τοῖς ποιμέσιν εἰωθότος, ἵν' ἐξαγγέλλοιεν τῷ βασιλεῖ τὰ περὶ τὰ ποίμνια, ἀφικέσθαι καὶ ἐκεῖνον.

l. 16. cum—converterat] iterative 'as often as,' with plup. ind., P. S. Gr. p. 334 § 91, Madvig Gr. § 338 a *obs.*, Zumpt § 579, Roby II 1717.

palam] from *pala*, 'the part of the ring in which the stone is set,' 'the box,' 'bezel,' Gr. σφενδόνη, because the stone rested in it, like a stone in a sling. Plato says καθήμενον οὖν μετὰ τῶν ἄλλων τυχεῖν τὴν σφενδόνην τοῦ δακτυλίου περιαγαγόντα πρὸς ἑαυτὸν εἰς τὸ εἴσω τῆς χειρός (*ad palmam*).

l. 17. a nullo videbatur]=*cernebatur*, 'he became invisible,' a sense common in Lucretius, not uncommon in Cicero. Cp. Munro Lucr. I 270.

l. 18. in locum] i.q. *in locum suum*, 'into its proper place.' So Tusc. II § 26 *Philo et proprio numero et lecta poemata et loco adiungebat*, ep. ad fam. IX 10 *posuisti versus Accianos loco*, Brut. § 274 *nullum nisi loco positum et tamquam in vermiculato emblemate—structum verbum videres*, de leg. III § 40 *ut loco dicat, id est, rogatus*, Hor. od. IV 12, 28 *dulce est desipere in loco*. Zumpt Gr. § 481. So *tempore* I § 104.

l. 24. nihil plus] i.q. *nihil magis*, § 89, § 118 *non plus quam amicitia*, Verr. II 7, 21 *tum nemo molestus Dioni fuerat, non plus quam Liguri*. The more usual expression is *nihilo plus*: so *nihil minus* I § 72.

quam si non haberet] sub. *sibi putaret licere*. Heine compares nat. deor. II § 144 *auditus flexuosum iter habet, ne quid intrare possit, si simplex et directum haberet*, where we must supply *quod posset*.

l. 25. bonis viris] Cicero rarely uses the recipient dative for the ablative of the agent with passive verbs; only, with the exception of a few instances, with the participle perfect passive, Zumpt Gr. § 419, Roby Gr. II 1146, Kenn. Gr. p. 390, Madvig Gr. § 250 *a*. In fact after such verbs as *quaeri, audiri etc.* the dative expresses not so much the subject by whom as the person for whom something takes place; and perhaps with the participle perfect passive the dative may be explained as the *dativus commodi:* thus *pertractata mihi sunt=pertractata habeo.*

§ **39**, l. 26. **philosophi quidam**] the Epicureans. Rectitude according to Epicurus is not *φύσει* but *θέσει* (I § 14). Diog. Laert. X 151 *ἡ ἀδικία οὐ καθ' ἑαυτὴν κακόν, ἀλλὰ ἐν τῷ κατὰ τὴν ὑποψίαν φόβῳ, εἰ μὴ λήσει ὑπὲρ τῶν τοιούτων ἐφεστηκότας κολαστάς. οὐκ ἔστι τὸν λάθρα τι ποιοῦντα, ὧν συνέθεντο πρὸς ἀλλήλους εἰς τὸ μὴ βλάπτειν μηδὲ βλάπτεσθαι, πιστεύειν ὅτι λήσει, κἂν μυριάκις ἐπὶ τοῦ παρόντος λανθάνῃ.* Lucretius V 1150 ff., 'softens and tones down what Epicurus himself in the above passage expresses in all its naked harshness,' Munro who also quotes Sen. ep. 97 *eleganter itaque ab Epicuro dictum puto* potest noscenti contingere ut lateat, latendi fides non potest...*tuta scelera esse possunt, secura non possunt:* and what the Epicurean says in Cic. de fin. § 50 *quamvis occulte fecerit, numquam tamen id confidet fore semper occultum.*

minime mali illi quidem cet.] i. q. *boni homines* in the ironical sense in which it occurs II § 2. Cp. Tusc. II § 44 *venit Epicurus, homo minime malus, vel potius vir optimus*, de orat. III § 64 *sunt enim* (*Epicurei*) *boni viri et, quoniam sibi ita videntur, beati*, Tusc. I § 6 (of Amafanius and Rabirius) *ab optimis illis quidem viris, sed non satis eruditis.* So frequently in the comic poets as Ter. V 2, 5 *ehodum, bone vir, quid agis?* Cicero frequently taunts Epicurus and his school with their lack of wit and learning (perhaps in reference to the contempt which they affected for Dialectic and Logic), as Tusc. I § 48 *ex quo intellegi potest quam acuti natura sint, quoniam haec sine doctrina credituri fuerunt*, in Pis. § 70 *non philosophia solum sed etiam ceteris studiis, quae fere Epicurei neglegere solent, perpolitus*, de fin. II § 80 *sed quamvis comis fuerit* (*Epicurus*) *in amicis tuendis, tamen—non satis acutus fuit.* On *illi quidem* see I § 59 n.

l. 27. commenticiam] 'imaginary.'

l. 28. quasi vero ille—defendat] 'as though, forsooth, he maintained, asserted.' Observe that *quasi* is followed by a verb in the present conjunctive, although the supposition is inadmissible, because in the preceding clause the verb is the present (*dicunt*), Madvig Gr. § 349 *obs. Quasi vero* is used to correct an erroneous supposition, Madvig § 444 *obs.* I, P. S. Gr. § 228. *Vero* seems not to have an adversative, but an assertive sense, adding force to the word with which it is joined, just as in answers to a question in combination with *ita, minime.*

l. 29. vis] 'the meaning,' 'the design.' I § 142, III § 77, Tusc. I § 52 *hanc habet vim praeceptum Apollinis*, ib. V § 51 *quaero quam vim habeat libra illa Critolai.*

l. 30. nemo ne—quidem] The double negative here strengthens the negation, I § 66 n., above § 36 l. 26.

l. 32. feceris] the future perfect, i. q. *cum a te factum erit* vel *fuerit.*

l. 33. negant id fieri posse] i. e. *ut semper ignotum futurum sit.*

nequaquam potest id quidem] The MS. reading is *quamquam potest id quidem* 'though it is not so impossible neither,' as if Cicero were asserting a dogma of the Academy; but when speaking his own sentiments as here, Cicero never impugns belief in divine providence, de nat. deor. I § 3, de leg. I § 21, de fin. I § 51. I have adopted therefore the conjecture of Manutius as most probable, considering that Cicero had no reason for abandoning his sentiments here. Moreover the opposition implied in *sed quaero, id si posset* requires that a negation should have preceded. On the omission of *fieri* after *potest* cp. II § 72 l. 19. Tusc. I § 23 *cuperem utrumque, si posset*, ib. § 77 *qui potest? Qui possit, rogas?* Acad. II § 121 *negas sine deo posse quicquam.* See Madvig de fin. IV § 48, V § 84.

P. 110, l. 2. urguent rustice sane] 'they stick to their assertion with right boorish stubbornness, for they assert that the supposed case can never arise, and in this denial they persist.' *Rustice* (like Gr. *ἀγροίκως* for *ἀμαθῶς, ἀμούσως*) 'awkardly,' 'illiterately,' the opposite of *acute.* On *urguent* which is usually said of the aggressor, cp. de fin. IV § 77 *urguent tamen et nihil remittunt*, de orat. I § 42 *urgerent philosophorum greges, instaret Academia.*

l. 3. hoc verbum quid valeat] 'what is the force of the expression "if possible"' (*si posset, quidnam facerent*). 'Non intellegunt conditionem nihil de re ipsa adfirmare.' *H.* Cp. Plaut. Truc. IV 4 32 *verum est verbum, quod memoratur: ubi amici ibidem opus.*

l. 5. tamquam tormenta quaedam adhibemus] 'we put them as it were on the rack,' i. e. we apply a sort of test, to extract their real sentiments. Cp. Plato Laches p. 255 *τὸ βασανίζειν οὐ πρότερον ἀφήσει Σωκράτης, πρὶν ἂν βασανίζῃ ταῦτα.*

l. 7. fateantur]=cogantur fateri.

CHAPTER X

§ **40**, l. 10. **incidunt**] 'happen,' § 50 l. 20, I § 31 *incidunt saepe tempora*, II § 20, § 34. **multae...saepe**] § 74 n, II § 20 n, Horace sat. I 6, 10 *multos saepe viros nullis maioribus ortos et vixisse pios cet.*

quae conturbent] consecutive subjunctive, 'of a nature to perplex, confuse,' I § 31.

l. 12. relinquenda sit] 'is to be sacrificed,' § 35.

l. 13. id quidem improbum est] 'that certainly were (would be) wrong.' Zumpt. Gr. § 520, Madvig § 348 e *obs.* I, Roby Gr. II 1535, Zumpt Gr. § 520, Mayor n. to Philipp. 2 § 27 l. 15.

l. 15. Collatino] L. Tarquinius Collatinus, the husband of Lucretia, one of the two first consuls with Brutus, afterwards exiled on account of his relationship to the Tarquins, for he was the son of Egerius and grandson of Aruns, the brother of Tarquinius Priscus (Liv. I 57), and because he was suspected of disaffection to the popular cause by his voting for restoring their property to the Tarquins, and endeavouring to screen his nephews the Aquilii from punishment, when they were found guilty of conspiracy: see Dionys. Halicarn. V p. 221, Livy II 2.

l. 16. Brutus] Lucius Junius Brutus, who was consul, first with Collatinus, afterwards with Valerius Publicola.

cum—imperium abrogabat] 'when...he deposed him from his consular command.' For the mood see Publ. Sch. Gr. p. 464.

poterat videri facere id cet.] 'he might seem to have done so with injustice,' I § 4, III § 31 l. 21.

l. 17. in regibus expellendis] 'in the expulsion of the royal family.' i.e. *L. Tarquinio Superbo cum scelerata coniuge et omni liberorum stirpe* Liv. I 59, cp. ib. II 2 *eiecisti reges*, 4 *quibus regum asportarent res*, 15 *non recipi reges.* Zumpt Gr. § 377.

l. 19. cognationem]=cognatos.

l. 21. regni] i.e. regii imperii, 'of kingly government.'

l. 22. patriae consulere] in apposition to *utile*.

ita—ut] I § 88, II § 33, § 64, Kenn. Gr. p. 453, Hand Tursell. III p. 472.

l. 24. sine qua cet.] 'without which there could not have been any expediency either.' On *ne—quidem* see note to II § 58.

§ 41, l. 25. in eo rege] II § 27 l. 13, 'in the case of Romulus, not so, (i.e. *non item valuit utilitas propter honestatem*) for it was a bare show of expediency which moved his feelings.' *Pepulit*=impulit, commovit: so Hor. Sat. II 6, 98 *haec ubi dicta agrestem pepulere.*

l. 27. solum] sc. *se*. Cp. Madvig Gr. § 393.

l. 28. omisit—neque erat] 'he set aside, disregarded fraternal affection as well as the tie of humanity in order to attain what seemed an advantage, and yet was not such.' *Neque* in the sense of *neque vero* (*tamen*), cp. de am. § 82 *omnia alter pro altero suscipiet, neque quicquam umquam nisi honestum alter ab altero postulabit.*

l. 30. muri causam opposuit] sc. *crimini*, 'opposed to his accusers (i.e. alleged in his defence) the excuse of the wall, a mere specious appearance of what was right, one as unlikely as it was certainly inadequate for his purpose.' Cp. ad Quint. fr. II 10, 1 *opposuisti semel ἀναντίλεκτον causam, Ciceronis nostri valetudinem.* On the genitive *muri* see I § 119, II § 16 and Philipp. II § 78 l. 18 *causam amoris* ('the motive of passion') with Prof. Mayor's note. The allusion is to the story of Romulus killing his brother Remus, for leaping over the newly-built wall of Rome.

§ 42, l. 32. pace—dixerim] 'with his leave I would say it, whether he is Quirinus or Romulus,' i.e. god or man. Romulus was deified under the name *Quirinus*. Hor. Od. III 3, 16 *hac* (*arte*) *Quirinus Martis equis Acheronta fugit.* Beier remarks 'observatur Ciceronem, dum iram populi deprecetur eiusque pacem i.e. veniam ac favorem pacati propitiique numinis precibus exposcat, tanto magis fictam eius divinitatem ridere.' On the potential use of the pure conjunctive see I § 75 l. 2, Kenn. Gr. p. 338, Madvig Gr. § 350 b. Cp. de leg. III § 29 *ille vero, pace tua dixerim, non modo censores sed etiam iudices potest defatigare*, Tusc. V § 12 *Bruti iudicium, pace tua dixerim, longe antepono tuo.*

l. 33. omittendae] i. q. *relinquendae* § 34.

l. 34. cum egeamus] § 40 l. 10, § 50 l. 21.

suae cuique utilitati] See note to II § 78.

l. 35. quod—fiat] 'so far as may be done,' cp. § 34 *quod probaretur*, § 59 *quod sciam*, restrictive subjunctive Madvig § 364 obs. 2, P. S. Gr. p. 457, Roby Gr. II 1692, Zumpt Gr. § 559.

scite] sc. *dixit*, II § 69.

P. 111. l. 1. Chrysippus] Chrysippus, the third head of the Stoic sect after Zeno, was a pupil of Cleanthes whom he immediately succeeded, born at Soli B.C. 250, died B.C. 208. It was commonly said of him *εἰ μὴ ἦν Χρύσιππος, οὐκ ἂν ἦν Στοά*, 'if Chrysippus had not lived, the Porch would not have existed,' because he was the first who based the Stoic

doctrines on a plausible system of reasoning, and successfully opposed those who dissented from it. Diog. Laert. VII 183. He is pronounced by Cicero (de nat. deor. III § 25) *homo sine dubio versutus et callidus*, and (Tusc. I § 108) *in omni historia curiosus.* He was in great repute for his logic.

stadium currit] i.q. in stadio decurrit, Zumpt Gr. § 384. Heine compares de fin. II § 112 *Xerxes cum—Hellesponto iuncto, Athone perfosso, maria ambulavisset, terram navigasset.*

l. 3. supplantare]=*pedem supponere*, ὑποσκελίζειν, 'to trip up.'

§ 43, l. 8. perturbantur] 'suffer from disturbing causes.' *In amicitiis*, 'in the case of friendships,' § 41 l. 25.

l. 14. numquam anteponenda] haec amico condonare debemus. (*Zumpt*)

l. 17. ne si iudex quidem erit] h.e. *ne tum quidem si de ipsius amici capite iudex erit.*

l. 18. ponit]=deponit, 'lays aside,' Tusc. I § 25 *cum posui librum.*
personam] 'character,' I § 97, § 107, § 115.

l. 19. dabit]=tribuet, concedet, § 33 l. 19. *Ut—ut* both depend upon *tantum.*

veram] i.q. iustam: a frequent sense of *verus*, as in Caesar B. G. IV 8, Hor. epist. I 7, 98

metiri se quemque suo modulo ac pede verum est.

l. 20. orandae litis]=causae dicendae, 'for pleading his cause.' According to the *lex Pompeia iudiciaria* (B.C. 51) 'uno die atque eodem et ab accusatore et ab reo perorandum ita ut duae horae accusatori, tres reo darentur,' Asconius p. 86, ed. Manut. *Tempus*, however, here refers probably as well to the day on which the trial should be held, which the judge could fix by *dilatio, ampliatio*, as to the length of time allowed for speaking.

quoad per leges liceat] § 33 l. 19 *sin hoc non licet per Cratippum.*

l. 21. accommodet] sc. *amico*, 'make convenient to.'

§ 44, l. 21. cum vero iurato sententia dicenda erit] 'but, inasmuch as he has to pronounce sentence upon his oath, he will bear in mind that he has the deity to witness, that is, as I understand the case, his own conscience.'

l. 23. mentem suam] de rep. VI § 26 *mens cuiusque is est quisque; non ea figura, quae digito demonstrari potest, deum te igitur scito esse;* Plato de leg. X p. 897 B *ψύχη...νοῦν μὲν προσλαμβάνουσα ἀεὶ θεὸν θεὸς οὖσα, ὀρθὰ καὶ εὐδαίμονα παιδαγωγεῖ πάντα.* The soul of man, according to the theory of the Stoics, was a part of the *anima mundi*, Epictet. diss. I 14, 6 *αἱ ψυχαὶ συναφεῖς τῷ θεῷ ἅτε αὐτοῦ μόρια οὖσαι καὶ ἀποσπάσματα.* The passage reminds us particularly of Heraclitus' saying, *ἦθος ἑκάστῳ δαίμων.*

l. 24. divinius] de fin. V § 38 *qua* (ratione) *nihil est in homine divinius.*

itaque praeclarum cet.] 'in this view, that is a noble custom which our forefathers introduced (did we but observe it strictly), that the parties, when they entreat of the judge a favour, make use of the words 'so far as he can do it without a breach of honour'.'

l. 25. si eum teneremus] =*si modo eum teneremus morem*...'if only we observed it strictly:' cp. pro Flacco VII § 15 *o morem praeclarum disciplinamque quam a maioribus accepimus, si quidem teneremus! sed nescio quomodo iam de manibus elabitur.*

quae salva fide facere possit] 'what he can do without hurting his conscience.' These words belonged to the prescribed formula, with which the parties to a suit called upon the judges, taken according to arrangement with the praetor, to decide their suit righteously and conscientiously.

l. 28. **non amicitiae tales**] 'such (friendships) must not be considered friendships,' § 6, Zumpt Gr. § 372.

§ 45, l. 29. **communibus**] i.q. *vulgaribus*, 'ordinary,' 'every-day,' § 17.

l. 30. **in sapientibus—tale**] 'in the case of wise, that is, perfect men, there cannot be anything of the kind,' cp. de am. § 38 *quod si rectum statuerimus vel concedere amicis quidquid velint, vel impetrare ab eis quidquid velimus; perfecta quidem sapientia si simus, nihil habeat res vitii*, i.e. 'if we had the ideal wisdom of the Stoics, there would be nothing wrong in it.'

l. 31. **Damonem et Phintiam cet.**] Tusc. V § 63 *quantopere vero* (Dionysius) *amicitias desideraret, quarum infidelitatem extimescebat, declaravit in Pythagoreis duobus illis, quorum cum alterum vadem mortis accepisset, alter, ut vadem suum liberaret, praesto fuisset ad horam mortis destinatam, 'Utinam ego' inquit 'tertius vobis amicus adscriberer.'* Cicero seems to have taken his account of Damon and Phintias from Timaeus ap. Diodor. Sicul. VI 243 (Tom. II p. 554 f. ed. Wesseling):—

Διονυσίου τυραννεύοντος Φιντίας τις Πυθαγόρειος, ἐπιβεβουλευκὼς τῷ τυράννῳ, μέλλων δὲ τῆς τιμωρίας τυγχάνειν, ᾐτήσατο παρὰ τοῦ Διονυσίου χρόνον εἰς τὸ περὶ τῶν ἰδίων πρότερον ἃ βούλεται διοικῆσαι, δώσειν δ' ἔφησεν ἐγγυητὴν τοῦ θανάτου φίλων ἕνα· τοῦ δὲ δυνάστου θαυμάσαντος εἰ τοιοῦτός ἐστι φίλος, ὃς ἑαυτὸν εἰς τὴν εἱρκτὴν ἀντ' ἐκείνου παραδώσει, προεκαλέσατό τινα τῶν γνωρίμων ὁ Φιντίας, Δάμωνα ὄνομα, Πυθαγόρειον φιλόσοφον, ὃς οὐδὲ διστάσας ἔγγυος εὐθὺς ἐγενήθη θανάτου· τινὲς μὲν οὖν ἐπῄνουν τὴν ὑπερβολὴν τῆς πρὸς τοὺς φίλους εὐνοίας, τινὲς δὲ τοῦ ἐγγύου προπέτειαν καὶ μανίαν κατεγίγνωσκον· πρὸς δὲ τὴν τεταγμένην ὥραν ἅπας ὁ δῆμος συνέδραμεν, καραδοκῶν εἰ φυλάξει τὴν πίστιν ὁ καταστήσας· ἤδη δὲ τῆς ὥρας συγκλειούσης, πάντες μὲν ἀπεγίνωσκον ('began to despair')· *ὁ δὲ Φιντίας ἀνελπίστως ἐπὶ τῆς ἐσχάτης τοῦ χρόνου ῥοπῆς δρομαῖος ἦλθε, τοῦ Δάμωνος ἀπαγομένου πρὸς τὴν ἀναγκην. θαυμαστῆς δὲ τῆς φιλίας φανείσης ἅπασιν, ἀπέλυσεν ὁ Διονύσιος τῆς τιμωρίας τὸν ἐγκαλούμενον καὶ παρεκάλεσε τοὺς ἄνδρας τρίτον ἑαυτὸν εἰς τὴν φιλίαν προσλαβέσθαι.*

The true version (as Cobet was the first to point out in his *Miscellanea Critica* p. 431 ff.) is doubtless that given in Iamblichus (life of Pythagoras c. 33 § 234 sq. ed. Kiessling) from Aristoxenus, who heard the story from Dionysius himself. The passage is worth transcribing:

Φησὶ γὰρ οὕτως ὁ Ἀριστόξενος· Διονύσιος ἐκπεσὼν τῆς τυραννίδος, ἀφικόμενος εἰς Κόρινθον, πολλάκις ἡμῖν διηγεῖτο τὰ περὶ τῶν κατὰ Φιντίαν τε καὶ Δάμωνα τοὺς Πυθαγορείους· ἦν δὲ ταῦτα τὰ περὶ τὴν τοῦ θανάτου ἐγγύην· ὁ δὲ τρόπος τῆς ἐγγυήσεως τοιόσδε τις ἦν· τινὰς ἔφη τῶν περὶ αὐτὸν διατριβόντων, οἳ πολλάκις ἐποιοῦντο μνείαν τῶν Πυθαγορείων διασύροντες καὶ διαμωκώμενοι καὶ ἀλαζόνας ἀποκαλοῦντες αὐτοὺς καὶ λέγοντες, ὅτι ἐκκοπείη ἂν αὐτῶν ἥ τε σεμνότης αὕτη καὶ ἡ προσποίητος πίστις καὶ ἡ ἀπάθεια, εἴ τις περιστήσειεν αὐτοὺς εἰς συμφορὰν ἀξιόχρεων. Ἀντιλεγόντων δὲ τινῶν καὶ γιγνομένης φιλονικίας συνταχθῆναι ἐπὶ τοὺς περὶ Φιντίαν δρᾶμα τοιόνδε· μεταπεμψάμενος ὁ Διονύσιος ἔφη τὸν Φιντίαν ἐναντίον τῶν κατηγόρων αὐτοῦ εἰπεῖν, ὅτι φανερὸς γέγονε μετά τινων ἐπιβουλεύων αὐτῷ· καὶ τοῦτο μαρτυρεῖσθαί τε ὑπὸ τῶν παρόντων ἐκείνων, καὶ τὴν ἀγανάκτησιν πιθανῶς πάνυ γενέσθαι· τὸν δὲ Φιντίαν θαυμάζειν τὸν λόγον. ὡς δὲ αὐτὸς διαρρήδην εἶπεν, ὅτι ἐξήτασται

ταῦτα ἀκριβῶς καὶ δεῖ αὐτὸν ἀποθνήσκειν, εἰπεῖν τὸν Φιντίαν, ὅτι εἰ οὕτως αὐτῷ δέδοκται ταῦτα γενέσθαι, ἀξιῶσαι γε αὐτῷ δοθῆναι τὸ λοιπὸν τῆς ἡμέρας, ὅπως οἰκονομήσηται τά τε καθ' ἑαυτὸν καὶ τὰ κατὰ τὸν Δάμωνα. συνέζων γὰρ οἱ ἄνδρες οὗτοι καὶ ἐκοινώνουν ἁπάντων. πρεσβύτερος δ' ὢν ὁ Φιντίας τὰ πολλὰ τῶν περὶ οἰκονομίαν ἦν εἰς αὐτὸν ἀνειληφώς. ἠξίωσεν οὖν ἐπὶ ταῦτα ἀφεθῆναι, ἐγγυητὴν καταστήσας τὸν Δάμωνα. Ἔφη οὖν ὁ Διονύσιος θαυμάσαι τε καὶ ἐρωτῆσαι· εἰ ἔστιν ὁ ἄνθρωπος οὗτος, ὅστις ὑπομενεῖ θανάτου γενέσθαι ἐγγυητής; φήσαντος δὲ τοῦ Φιντίου, μετάπεμπτον γένεσθαι τὸν Δάμωνα, καὶ διακούσαντα τὰ συμβεβηκότα, φάσκειν ἐγγυήσασθαί τε, καὶ μενεῖν αὐτοῦ, ἕως ἂν ἐπανέλθῃ ὁ Φιντίας. αὐτὸς μὲν οὖν ἐπὶ τούτοις εὐθὺς ἐκπλαγῆναι ἔφη. ἐκείνους δὲ τοὺς ἐξ ἀρχῆς εἰσαγαγόντας τὴν διάπειραν τὸν Δάμωνα χλευάζειν, ὡς ἐγκαταλειφθησόμενον καὶ σκώπτοντας ἔλαφον ἀντιδεδόσθαι λέγειν· ὄντος δ' οὖν ἤδη τοῦ ἡλίου περὶ δυσμάς, ἥκειν τὸν Φιντίαν ἀποθανούμενον· ἐφ' ᾧ πάντας ἐκπλαγῆναί τε καὶ δουλωθῆναι. αὐτὸς δ' οὖν, ἔφη, περιβαλών τε καὶ φιλήσας τοὺς ἄνδρας, ἀξιῶσαι τρίτον αὐτὸν εἰς τὴν φιλίαν παραδέξασθαι· τοὺς δὲ μηδενὶ τρόπῳ, καίτοι λιπαροῦντος αὐτοῦ, συγκαταθεῖναι εἰς τὸ τοιοῦτον.

From this account of Aristoxenus it appears that the whole proceeding was devised as a joke for the purpose of testing the constancy of Phintias and Damon's friendship. Cobet adds significantly '*et c'est pourtant ainsi que l'on écrit histoire.*' Other writers (as Polyaenus V 2 § 22) name the two friends Euphantos and Eukritus, others again Moiros and Selinuntios, and the story is told of the younger as well as the elder Dionysius and also of Phalaris, II § 26, Hyginus fab. 257.

l. 34. **commendandorum**] 'of commending to the protection of others,' as being himself about to die, de fin. III § 65 *commendationes morientium.*

P. 112, l. 1. vas factus sit eius sistendi] 'became bail for his appearance in court.' The singular *vas* is generally used of the person, the plural *vades* of the thing, the verb is *vadari*, 'to take bail from,' hence 'to summon.' *Sistere*, 'to cause to appear in court,' is a legal term. On the attraction of the object of the gerund with the genitive see Roby Gr. II 1396 and pref. p. lxviii.

l. 2. **ut**] 'on condition that.'

non revertisset] For the tense see P. S. Gr. p. 485, 3.

ipsi] P. S. Gr. p. 390, 7.

l. 3. **ad diem**] sc. constitutum, *ad horam mortis destinatam*, Tusc. *l. c.*

§ 46, l. 5. **igitur**] 'well then,' sums up and repeats the observation of § 43.

l. 6. **comparatur**] 'comes into competition with.'

iaceat utilitatis species] 'let the apparent expediency be disregarded,' cp. § 79 l. 14.

l. 7. **cum postulabuntur—anteponatur**] cp. note on II § 43 l. 14.

l. 8. **religio et fides anteponatur amicitiae**] 'let scrupulous regard for duty and conscience take precedence of friendship.' The predicate is in the singular, because the two subjects are considered collectively as a whole, P. S. Gr. § 121 A (2), Madvig Gr. § 213 a, cp. I § 81.

l. 9. **dilectus**] I § 45.

CHAPTER XI

l. 10. in republica] 'in affairs of state.'

specie] causal ablative.

l. 11. in Corinthi disturbatione] 'with reference to, in the case of, the demolition of Corinth.' Cp. I § 35 where Cicero passes the same judgment, confirmed by Grotius de iure belli III xii 1, 2, 3.

nostri] sc. *peccaverunt* or *fecerunt*, Madvig Gr. § 478 *obs.* 3, § 19.

l. 12. durius] sc. *fecerunt*, P. S. Gr. p. 346.

sciverunt]=*iusserunt*. Sciscunt qui communi consensu decernunt, unde plebiscitum dicitur. (*Zumpt*).

Aeginetis] Aelian var. hist. II 9 *οἷα ἐψηφίσαντο Ἀθηναῖοι—καὶ ταῦτα ἐν δημοκρατίᾳ, Αἰγινητῶν μὲν ἑκάστου τὸν μέγαν ἀποκόψαι τῆς χειρὸς δάκτυλον τῆς δεξιᾶς, ἵνα δόρυ μὲν βαστάζειν μὴ δύνωνται κώπην δὲ ἐλαύνειν δύνωνται.* The decree must have been passed on occasion either of the subjection of Aegina (B.C. 456) or of the expulsion of the Aeginetans (B.C. 431): but neither Thucydides (I 108, II 27) nor Diodorus (XI 76, XII 44) refer to any such decree. Aegina, anciently called *Oenone*, was an island in the *Sinus Saronicus* (the modern Gulf of Engia), close to the Piraeus. Hence Pericles said that it must be destroyed, because it was *λήμη τοῦ Πειραιῶς* i.e. 'an eye-sore to the Piraeus' (Plutarch Pericl. c. 8). After its inhabitants were reduced by Athens into slavery, the island was portioned into *κληρουχίαι*.

§ 47, l. 17. male etiam] sc. *faciunt*, as l. 12 *durius Athenienses*.

l. 18. urbibus uti] 'to have the advantage of cities,' i.e. to settle there and carry on their business, as in a fixed home, I § 135. The more usual construction of verbs such as *prohibeo* is with *quin* or *quominus*, followed by the conjunctive, II § 8, Zumpt Gr. § 544, Madvig Gr. § 375 a *obs.* 2. The practice of *ξενηλασία* or 'alien acts' was generally condemned amongst the ancients, the Spartans were very exclusive in this respect, see Thucyd. I 144, II 39, Arist. Pax 624; and cp. Liv. XLI 24 where the decree of the Achaeans excluding the Macedonians is called *execrabilis desertio iuris humani*.

Pennus] sc. *prohibuit usu urbis*. M. Junius Pennus, tribune of the Commons B.C. 126. See Brut. § 109 M. Pennus *facile agitavit in tribunatu C. Gracchum paullum aetate antecedens. Fuit enim M. Lepido et L. Oreste coss.* (B.C. 125) *quaestor Gracchus, tribunus Pennus, illius M. filius, qui cum Q. Aelio consul fuit: sed is omnia summa sperans aedilitius est mortuus.* Plutarch (C. Gracch. c. 3) compared with A. Gellius (XV 12) furnishes a comment on this passage. We have a notice of his law *de peregrinis* in Festus p. 286 *res publicas multarum civitatum pluraliter dixit C. Gracchus in ea quam conscripsit de lege Penni de peregrinis.* Beier conjectures that the name *Pennus* is a copyist's error for *Fannius*, to whom Cicero refers Brut. c. 26 *C. Fannii, C. F. qui consul cum Domitio* (B.C. 123) *fuit, oratio de sociis et nomine Latino contra Gracchum.*

l. 19. Papius nuper] Gaius Papius was tribune of the Commons B.C. 65, when he revived the Act of Pennus. Dio Cass. 37, 9 *καὶ ἐν τούτῳ πάντες οἱ ἐν τῇ Ῥώμῃ διατρίβοντες πλὴν τῶν τὴν νῦν Ἰταλίαν οἰκούντων ἐξέπεσον Γαΐου τινος Παππίου δημάρχου γνώμῃ· ἐπειδὴ ἐπεπόλαζον καὶ οὐκ ἐδόκουν ἐπιτήδειοι σφίσιν εἶναι ξυνοικεῖν.* [Cp. or. pro Sest. § 30. J. E. B. M.]

nam—inhumanum est] *nam* really introduces the second clause of the sentence, II § 47, III § 84. 'For while it is quite proper that no one should be allowed to assume the privileges of a citizen, who is not a citizen, to exclude foreigners from dwelling in the city is clearly opposed to humanity.' *Esse pro cive*, 'to be in the position of a citizen,' so as to have the *ius civitatis* and *suffragii*, to be eligible to office and inherit property—privileges denied to a *peregrinus*. At Athens a foreigner (*ξένος*) who fraudulently assumed the rights of a citizen, was liable to a *ξενίας γραφή* and, if convicted, sold into slavery.

l. 20. quam legem tulerunt] for *de qua re legem* 'the law about which,' see Kühner Tusc. I § 45. L. Crassus was mentioned I § 108, II § 57, and Q. Mucius Scaevola I § 116, II § 47. They were colleagues in every office except the censorship. The law in question was entitled the *lex Licinia Mucia de civibus redigundis* and passed B.C. 95. Its enactment was the cause of great grievance to the Italian allies, and partly led to the Social War, which broke out three years afterwards. Asconius in Cic. Cornel. p. 67 Orell. *L. Licinius Crassus orator et Q. Mucius Scaevola P. M. legem de regendis in sua civitate sociis in suo consulatu tulerunt. Cum enim summa cupiditate civitatis Romanae Italici populi tenerentur et ob id magna pars eorum pro civibus Romanis se gereret, necessaria lex visa est, ut in suae quisque civitatis ius redigeretur. Verum ea lege ita alienati animi sunt principum Italicorum populorum, ut ea vel maxima causa belli Italici, quod post triennium exortum est, fuerit.*

l. 22. illa praeclara] sc. *sunt*.

l. 25. cum saepe tum cet.] The interpolated MSS add *alias* after *saepe*, II § 20, but the omission is more idiomatic. So § 86, de fin. I 6 *cum multa non probo, tum illud imprimis* for multa alia, Verr. IV 66 *cum multa, tum etiam hoc me memini dicere*, pro Cluent. § 140 *cum multorum tum hominis eloquentissimi auctoritatem*, § 167 *multa, tum etiam hoc*.

l. 26. bello Punico secundo] Livy XXII 61, XXIII 13. After the battle of Cannae (Liv. XXII 50) the consul Varro received the thanks of the Senate for not having despaired of his country. Later in the war, when Hannibal came nearly to the gates of Rome, the ground on which he had pitched his camp was sold for its full value.

l. 27. rebus secundis] abl. abs. or abl. of attendant circumstances, § 49 l. 9, cp. Tusc. III § 34 *consequitur ut—adversis casibus triplici consolatione sanetur*, § 49 l. 9.

l. 28. significatio] 'symptom,' I § 46.

tanta vis est honesti—obscuret] 'such is the dazzling power of virtue, that it eclipses, throws into the shade, the semblance of advantage.'

§ 48, l. 29. Athenienses] in the second Persian invasion B.C. 480.

sustinere] 'to bear up against,' 'brook.'

l. 30. statuerentque ut] an unusual construction, *statuo* being generally followed by the infinitive: cp. ep. ad Att. 16, 10 *constitueram ut V Idus Aquini manerem*, de fin. V. 1 *constituimus ut conficeremus*, Caesar B. Gall. I 34 *placuit Caesari ut mitteret*.

l. 31. Troezene] at Troezen (Gr. Τροιζήν), an ancient city of Argolis in the Peloponnesus, near Epidaurus, on the opposite coast of the *sinus Saronicus* to Athens. It was the birthplace of Theseus. For the allusion see Herod. VIII 41, Thucyd. I 18, 73, 74.

l. 32. Cyrsilum] Demosth. *de Cor.* p. 296 *τὸν δ' ὑπακούειν τοῖς ἐπιταττομένοις ἀποφηνάμενον Κυρσίλον καταλιθώσαντες οὐ μόνον αὐτὸν ἀλλὰ καὶ αἱ γυναῖκες αἱ ὑμέτεραι τὴν γυναῖκα αὐτοῦ.* The same story is told of Lykides B.C. 479, a member of the *βούλη* at Athens, by Herod.

IX 5, because he advised his fellow-citizens to listen to the proposals of peace offered by Mardonius eleven years later.

P. 113, l. 1. lapidibus cooperuerunt] i.q. *κατέλευσαν*, 'stoned to death,' cp. § 46 *lapidibus coopertus esset in foro.*

atque] Zumpt and Heine read *atqui*, but, as Lund remarks, 'nulla est oppositio, nulla assumptio refellendi causa sed explicatio simpliciter continuatur, cf. § 74.' Hand also (Tursell. I p. 495) pronounces *atque* to be required by the sense of the passage.

sequi] I § 3 l. 9, § 35 l. 15.

l. 2. nulla erat]=omnino non erat 'did not exist at all,' cp. I § 35, Catull. 8, 14 *cum rogaberis nulla*, Lucr. I 427 *si nullum foret*, Ter. Hec. I 2, 4 *nullus dixeris*, pro S. Rosc. § 128 *haec bona nulla in tabulas publicas redierunt*, Verr. II 17 *petatur hereditas quae nulla debetur in praedam praetoris*, ep. ad Att. XI 24 *Philotimus nullus venit.*

§ 49, l. 4. id sciri non opus esse] sc. *publice*, 'that it was not desirable that it should be divulged.' Cp. § 115, de am. § 51 *atque haud sciam an ne opus quidem sit nihil umquam omnino deesse amicis*, and the Greek phrase *οὐδὲν ἔργον*. This meaning of *opus* is found also in a positive sentence, ad fam. I 9, 25 *legem curiatam consuli ferri opus esse, necesse non esse.*

l. 5. daret] 'should name,' 'appoint.' Cp. Liv. XXXI c. 50 *si aedilis qui pro se iuraret daret, datus qui iuraret pro fratre L. Val. Flaccus.*

l. 7. subducta] 'drawn ashore,' opp. to *deducta*, 'drawn down,' i.e. from the beach into the water. **ad Gytheum**] § 112. Gytheum was the naval station of Lacedaemon beyond the mouth of the Eurotas, see Liv. XXXIV 38, 1, Polyb. V 19 *ναύσταθμον τῶν Λακεδαιμονίων, ὃ καλεῖται μὲν Γύθιον, ἔχει δ' ἀσφαλῆ λίμενα, τῆς δὲ πόλεως* (Sparta) *ἀπέχει περὶ τριάκοντα στάδια*. The ordinary Greek form of the word is *Γύθειον*, which is spelt in Latin either Gytheum or Gythium, just as *Ἀλεξανδρεία* becomes either Alexandrea or Alexandria. See Drakenb. on Liv. XXXI 43 § 5. Tolmides the Athenian general burnt the Lacedaemonian arsenal there, B.C. 489.

l. 9. magna expectatione] i.q. *cum magna exspectatio esset civium*, 'the expectation of his arrival being great,' 'amid the anxious expectation of all,' ablative of attendant circumstances, § 47 l. 27, II § 61 l. 10. Cp. Kühner on Tusc. III § 34, P. S. Gr. p. 399, Madvig Gr. § 277, Roby Gr. II 1240.

l. 10. perutile esse consilium] Plut. Them. c. 20 *τῆς πράξεως ἣν διανοεῖται πράττειν ὁ Θεμιστοκλῆς, μηδεμίαν εἶναι μήτε λυσιτελεστέραν μήτ' ἀδικωτέραν.*

l. 13. auctore Aristide repudiaverunt] 'rejected at the instance of Aristides.'

l. 14. melius hi] sc. *statuerunt.*

inmunes] literally, 'free from some duty' or 'public service' (*munus*) as from taxes, *ἀτελεῖς*. The Cilician pirates had been put down by Pompey and settled at Pompeiopolis, but their number increased during the civil wars, and Antony is said to have made alliance with some of them, to carry on the war with Brutus and Cassius.

socios] as e.g. the inhabitants of Marseilles (II § 28), King Deiotarus and others, who had supported Pompey and were made in consequence by Caesar's party to contribute to the Roman *vectigalia*, Philipp. II c. 37.

CHAPTER XII

l. 16. maneat ergo] 'let it then be a settled point,' pro Milon. § 11 *quapropter hoc maneat in causa, iudices.*

l. 18. hoc ipsum, putare] a nomin. subst. 'this very thing, to think,' 'the mere fact of thinking,' Gr. *αὐτὸ τὸ ἡγεῖσθαι.* II § 84 *ut hoc ipsum eum delectaret, peccare*, paradox. III § 20 *ipsum illud peccare, quoquo veteris, unum est.* Cp. de orat. I § 112, de fin. II § 43 with Madvig's note, Munro Lucr. I 331, Zumpt Gr. § 598.

§ 50, l. 20. incidunt] § 40. 'Proprie dicitur de rebus malis et infelicibus, Liv. I 58 *rem atrocem incidisse.*' RUHNKEN dictata ad Terent. Haut. II 4, 15.

l. 21. causae, cum—videatur] 'cases of such a nature that it may seem,' not the potential but the consecutive use of the conjunctive, cp. § 40 l. 10, Zumpt Gr. § 577.

l. 22. ut] 'so that,' consecutive, expressing the result.

l. 24. si—si] § 30 l. 9.

exempli gratia] used by Cicero only in combination with a predicate such as *afferre, proferre, nominare.* For a purely imaginary instance, not illustrative of an historical fact, he usually employs *verbi causa*, Tusc. I § 12 *miserum esse verbi causa Crassum.*

l. 25. frumenti numerum] 'stock of corn.' *Numerus* is said of things 'measured,' as well as things 'counted,' and generally of natural products. Cp. in Verr. II 72 *magnum numerum frumenti*, pro Planc. § 64 *frumenti...maximum numerum miseram*, Philipp. II § 66 *maximus vini numerus.* So in Greek *πλῆθος οἴνου* Dem. adv. Lacr. § 21 p. 929. Alexandria and Rhodes are chosen because they were the chief places for the corn trade, the one for Egypt, the granary of Italy and Greece, the other for Asia Minor. Strabo XVII 1 calls Alexandria *μέγιστον ἐμπόριον τῆς οἰκουμένης.*

l. 26. in inopia] 'during a dearth.' *in* is frequently so used of the circumstances in which a person is placed, Roby Gr. II 1975. This case is discussed by Grotius, de iure belli II c. xii § 9, who decides differently from Cicero, and with Diogenes. See also Whewell *Elem. Mor.* Art. 716.

l. 28. solvisse] sc. *navem*, 'has set sail.'

l. 30. silentio] 'without telling others,' adverbial use of ablative. Zumpt Gr. § 472, P. S. Gr. p. 399, Madvig Gr. § 257 *obs.* 2, Roby Gr. II 1236. Cp. *ratione* II § 42, III § 55.

l. 31. sapientem cet.] 'we are imagining the case of a virtuous and honest man,' i.e. *sapiens* not in the highest sense of the word but as an ordinary *vir honestus.*

eius—qui celaturus non sit] 'of such a man—as would not conceal:' subj. consecutive after *qui.* On the conditional use of the future participle see P. S. Gr. p. 485, Madvig Gr. § 348 *a.*

l. 33. dubitet an—non sit] fere idem quod *putet non esse turpe*, nam *dubito an* hanc habet incertitudinem affirmationi propiorem. Gramm. § 354. ZUMPT

§ 51, l. 34. Diogeni] Diogenes Babylonius was a native of Seleucia in Babylonia, pupil of Chrysippus (*Chrysippi auditor*, de div. I

§ 6), and preceptor of Antipater of Tarsus. He was one of the three ambassadors (the other two being Karneades the Academic and Kritolaus the Peripatetic philosopher) from Athens to Rome (B.C. 156), who at the instance of Cato were required to withdraw in haste, lest the Roman youth should be spoiled through their philosophy, Tusc. IV § 5, Aulus Gellius VII 14, Pliny N.H. VII 30. This visit of the three philosophers to Rome is remarkable as having first inspired the Romans with a taste for Greek literature.

videri] sc. *rectum*, i.e. *placere*.

l. 35. magno et gravi Stoico] II § 51 *gravissimo Stoicorum Panaetio*.

P. 114, l. 1. Antipatro] sc. *videtur* or *videntur*. Antipater of Tarsus was a pupil of Diogenes (de fin. I § 6), and master of Panaetius (*Panaetii magister*, de div. I § 6). He was a zealous opponent of the Academics, of whose dialectic, however, he had such a fear that he would never commit himself to a *viva voce* dispute with them, whence his nickname ὁ καλαμοβόας, Acad. pr. fr. I § 3, II 6, 17, § 28, § 109. His opinion rests here and § 91 on the claims of moral law, to which the maxim, that each person is a member of the community and must not do anything which is injurious to it, is referred, whereas Diogenes holds by commercial law. He was prior in age to the Antipater mentioned in II § 86.

l. 4. iure civili] 'the common law of the land,' i.q. *legibus populorum, quibus in singulis civitatibus res publica continetur* § 23.

l. 6. quoniam vendat] 'since he is the seller,' 'since he has on sale.'

quam optume]=*quam plurimo* 'as advantageously as he can,' 'for as much as he can get.' So *male emere* 'to make a bad purchase,' *care, vilissime vendere*, cp. § 61 l. 1 *ut emat melius*.

advexi cet.] 'I have brought my cargo, I have offered it for sale, I am selling no dearer than others, perhaps cheaper, as the supply is larger.' The merchant is supposed to be speaking κατὰ προσωποποιΐαν.

l. 7. pluris—minoris] genitive of price, Zumpt Gr. § 445, Kenn. Gr. p. 416, Roby Gr. II 1186.

l. 8. cum maior est copia] sc. *venditorum*, i.e. 'when the market is overfull,' or, as Zumpt takes it, 'when I have a larger supply.'

§ 52, l. 9. ratio] i.q. *argumentatio*.

l. 10. hominibus consulere] II § 72.

l. 11. ea—principia naturae ut]=*prima naturae*, τὰ πρῶτα κατὰ φύσιν, I § 11—12, § 153, 'such innate, natural principles, which you are bound to obey and follow, that your interest should be the interest of the community and *vice versa*.' So *principia iuris* de leg. I § 18.

l. 12. ut utilitas cet.] cp. M. Anton. V 22 ὃ τῇ πόλει οὐκ ἔστι βλαβερόν, οὐδὲ τὸν πολίτην βλάπτει.

l. 14. adsit] 'is nigh at hand.'

quid commoditatis]=*quid commodi*, II § 14 l. 23.

l. 15. aliud est celare, aliud tacere] 'it is one thing to conceal, another not to tell.' He makes a distinction between positive concealment of a fact when questions are asked, and keeping silence on a matter on which no questions are asked.

l. 16. si tibi non dico cet.] An evident fallacy, and mere sophism.

l. 17. prodessent] i.e. *si cognita essent*.

vilitas] sc. *cognita*, 'the knowledge of the cheapness,' Gr. εὐωνία.

l. 18. id mihi dicere necesse est] For the use of the dative in this construction instead of the usual accusative, cp. Liv. XXI 44 § 8 *illis timidis et ignavis esse licet, vobis necesse est fortibus viris esse*, below § 112 l. 33 *cum sibi causa desistere necesse esset*, pro Cluent. § 43 *et huic accusari et illi condemnari necesse fuisse intellegetis*, Zumpt Gr. § 601.

§ 53, l. 19. immo vero] Gr. μὲν οὖν, 'nay rather.' Roby Gr. II § 251.

si quidem] 'if indeed,' I § 28 l. 6.

l. 21. suum cuiusque] 'one's own,' 'private property.' A stereotyped phrase, and therefore used also in a negative clause, where otherwise *quisquam* might be expected: I § 21 *ex quo quia suum cuiusque fit* where see note, de fin. III § 67 *sic in urbe mundove communi non adversatur ius, quo minus suum quidque cuiusque sit*.

CHAPTER XIII

l. 25. ita expedire ut—sit] 'that it is expedient without being morally wrong,' I § 88, II § 33, P. S. Gr. p. 453. The infinitive depends upon *dici*. Notice the change from the *recta* to the *obliqua oratio*, and cp. II § 18, III § 63, § 103.

ea re, quia]=ideo quod.

§ 54, l. 26. vendat] i.q. *puta* eum vendere, 'suppose him to sell,' § 74 l. 10, Madvig Gr. § 352, Roby Gr. II 1552, P. S. Gr. § 217, Draeger hist. Synt. I p. 316. Cicero makes use of the same example de rep. III § 29.

l. 27. quae norit] assimilated subjunctive.

l. 28. pestilentes] 'infectious,' 'unhealthy.' Pliny ep. VII 27 speaks of a house, the tenants of which were terrified to death by the apparition of a ghost, as *pestilens* i.e. 'subject to a nuisance.'

l. 30. apparere] 'are to be seen.'

male materiatae] 'built of bad timber.' Vitruvius 5, 12 *eaque aedificia minime sunt materianda propter incendia*. *Sint* is not found in the MSS, which makes it probable that the clause *ignoretur—serpentes*, if not spurious, is to be transposed after *nemo sciat*.

ruinosae] 'in a dilapidated, tumble-down condition.' *Ruo* is properly 'to fall, topple over,' whence *ruina*, (1) 'a downfall,' (2) 'that which falls,' 'a breach.'

l. 33. venditurum putarit] sc. si dixisset.

aut] 'or at least.'

id fecerit] § 40 l. 16.

ille vero] i.e. *iniuste et improbe fecerit*, 'yes, he would.' On *vero* see n. to III § 38; it is most frequently found in affirmative answers in the way of assurance in Terence and Plautus, e.g. Eun. III 1, Adelph. III 4

DE. *an quicquam est amplius?* HE. *vero amplius.*

Sometimes but rarely verum is so used, as Eun. II 3, 56, Madvig Gr. § 454.

P. 115, § 55, l. 1. quid est enim aliud—si hoc non est] II § 83, Verr. I § 28 *quid est quaeso, Metelle, iudicium corrumpere si hoc non est*, ib. III § 71 *quid est aliud capere conciliare pecunias, si hoc non est?* Translate: 'for to allow a purchaser to be precipitate (*ruere*) in concluding

a bargain, and through a mistake to fall into very great harm, if this is not refusing to set a man right when he has lost his way (a thing scouted at Athens on pain of being publicly cursed), what else is?'

l. 3. execrationibus publicis sanctum] i.e. lege sacrata vetitum. *Sancire* is 'to enact' with the addition of a penalty in case of disobedience. Hence 'to prohibit under penalty' § 69. The law, which was traced back to Buzyges (see Schweighäuser n. to Herod. VII 231, Leutsch append. prov., Gott. I 61 *ὁ γὰρ Βουζύγης Ἀθήνησιν ὁ τὸν ἱερὸν ἄροτον ἐπιτελῶν ἄλλα τε πολλὰ ἀρᾶται καὶ τοῖς μὴ κοινωνοῦσι κατὰ τὸν βίον ὕδατος ἢ πυρὸς ἢ μὴ ὑποφαίνουσιν ὁδὸν πλανωμένοις*) is quoted by Diphilus in the Parasite ap. Athenae. VI p. 238 (Meineke Com. IV 405), see note to I § 51 l. 6, Demosth. de f. l. p. 304 D. [Haupt would read *Buzygis* for *publicis*, Hermes V 37. J. E. B. M.]

l. 4. ruere] Ter. Haut. II 3, 128 *heus tu, vide sis nequid imprudens ruas.*

fraudem] 'harm,' I § 40 l. 17, Virg. Aen. X 72 *quis deus in fraudem ...egit?*

l. 6. scientem] the subject of the general inf., 'knowingly to lead another into error,' II § 67, Roby Gr. II 2304.

l. 8. proscripsit cet.] § 66 l. 21, 'advertised for sale a thing which he did not like,' or (taking *quod* as a conjunction) 'his house, because he did not like it.' *Proscribo* is 'to write down' the name of a thing on a tablet (*tabula* § 68, *tabula auctionaria* Cat. II § 18), called also *libellus*, *album* or *titulus*, Tibull. II 4, 54, Plin. ep. VII 11, 27 (whence *ire sub titulum=proscribi*), and placard it. Hence its meaning 'to proscribe.' See Merivale's n. to Sallust Catil. c. 20. *Inscribere venale* or *mercede* is used in the same sense, Plaut. Trinumm. I 2, 131 *aedes venales hasce inscribit litteris*, cp. Ter. Hautont. I 1, 144 *inscripsi illico aedes.*

l. 9. villam—aedificatam] sc. *vendo*, which was commonly omitted in such advertisements or proclamations: cp. de div. II § 84 *quidam in portu caricas Cauno advectas vendens 'Cauneas' clamitabat.*

l. 10. fefellisse] 'to have practised a deceit.'

l. 11. ratione] i.e. *recte*, sic ut vera ratio postulat, ergo secundum regulas architectonicas, I § 7, II § 42, pro Rosc. Am. § 132 *aptam et ratione dispositam villam*, Zumpt Gr. § 472 n.

multo minus] sc. *fefellerunt.*

l. 12. ubi iudicium emptoris cet.] 'where the buyer may exercise his own judgment, what fraud can there be in that case on the part of the seller?' Here again Diogenes holds by the letter of the law. It is a fundamental principle of Roman law that there be no outwitting, where the buyer has the opportunity of judging for himself. There is a statute (Digest. XVIII tit. I *de contr. empt.*) that *ea quae commendandi causa in condicionibus dicuntur, si palam appareant, venditorem non obligant* (i.e. do not oblige him to make good (*praestare*) his professions) *veluti si dicat 'servum speciosum,' 'domum bene aedificatam.'*

l. 13. sin autem] does not introduce an opposition to the foregoing supposition, but a conclusion based upon its adoption. Cp. § 65, de div. II § 18 *si enim scit, certe illud eveniet, sin certe eveniet, nulla fortuna est*, de nat. deor. III § 46 *quomodo autem potes si Latonam deam putas, Hecatem non putare?—sin haec dea est, cur non Eumenides?*

dictum non omne praestandum est] 'not all which is said (in praise of an article of sale) is to be made good.' So *praestare fidem* 'to make good, i.e. to keep, one's word.'

l. 15. quam vendat] subj. in clause dependent on infinitive clause.

§ 56, l. 21. dissensio] i.q. *discrepantia.*

l. 22. quae diiudicanda sunt] 'but I must give my decision in these two cases, for it was not simply to raise the enquiry that I stated them, but to propound their solution.'

ut quaereremus] i.e. *ut inanem quaestionem institueremus, ipsam rem in ambiguo relinqueremus. Exponere* in opposition to *explicare*=proponere 'to set forth,' Brut. § 164 *multa in illa oratione graviter, multa leviter, multa aspere, multa facete dicta sunt; plura etiam dicta quam scripta, quod ex quibusdam capitibus expositis nec* (=*nec tamen*, 'but not') *explicatis intellegi potest.* Cp. I § 83.

§ 57, l. 24. non igitur—nec—nec] I § 66 l. 32, II § 15 l. 1, III § 102 l. 3.

frumentarius] sub. *negotiator.*

l. 25. neque enim id est celare cet.] i.e. *celare non est reticere aliquid, qualecumque id est*, 'the truth is, this does not constitute concealment, namely, reticence with respect to any matter, whatever it is, but concealment consists in hiding something you know from others for the sake of your own advantage, when it is for their interest to know it.' Grotius l. c. II xii 9 determines that Cicero's rule holds good with regard only to points which affect the thing itself, as if a house which is to be sold is unhealthy.

l. 25. id est celare, quidquid reticeas] a kind of attraction for *celare est reticere aliquid, quidquid id est.*

l. 26. sed cum] i.e. *sed id est celare cum.*

l. 29. simplicis] 'open,' (ἁπλοῦ), **ingenui**, 'frank,' **versuti**, 'one who twists and turns,' 'evasive,' **obscuri**, 'mysterious,' 'dark,' 'reserved.' (Hor. Epist. I 18 l. 94 *saepe modestus occupat obscuri speciem*), **astuti**, 'crafty,' properly one who has acquired wisdom by intercourse with mankind, **malitiosi**, 'ill-designing' (see I 10 § 33 *malitiosa iuris interpretatione*), **callidi**, 'cunning,' from *calleo* II § 10, **veteratoris**, 'an old rogue,' I § 146, III § 11.

l. 31. inutile] an euphemism for *damnosum*, II § 59 l. 14. Comp. *non opus est* § 49.

l. 32. vitiorum subire nomina] so *subire crimina, pericula.*

CHAPTER XIV

§ 58, l. 34. orationis vanitatem] i.e. 'positive falsehood,' I § 150 *nihil proficiant nisi admodum mentiantur, nec vero est quidquam turpius vanitate*, § 151 *multis sine vanitate impertiens*, Liv. XXXI 49 *quem percunctari posset senatus, quid praetor veri vanive referret*, XXXIV 12 *saepe vana pro veris maxime in bello valuisse.*

l. 36. nec infacetus] 'not without wit,' I § 103. A specimen of the wit of Canius is given by Cicero de orat. II § 280 *cum Scaurus accusaret Rutilium ambitus, cum ipse consul esset factus, ille repulsam tulisset, et in eius tabulis ostenderet litteras A. F. P. R. idque diceret esse 'actum fide P. Rutilii,' Rutilius autem, 'ante factum, post relatum,' C. Canius eques Romanus cum Rufo adesset, exclamat neutrum illis litteris declarari. 'Quid ergo?' inquit Scaurus.—'Aemilius fecit, plectitur Rutilius.'*

satis litteratus] i.e. mediocriter imbutus litteris.

P. 116, l. 2. hortulos aliquos] 'a small estate,' 'pleasure-grounds with house,' i.q. *villam* § 59 l. 17, in which sense it is used in the XII Tables. *Horti*, pl. 'a park' or pleasure-garden with statues etc., *hortus*, 'a kitchen-garden.' See Zumpt Gramm. § 96, Kenn. Gr. p. 128, Mayor Philipp. II § 68 l. 8, cp. Iuv. Sat. I 75.

l. 4. interpellatoribus] 'intruders,' 'troublesome visitors,' ep. ad fam. VI 18, 5 *in litteris sine ullo interpellatore versor.* Nägelsb. lat. St. p. 45.

l. 5. argentariam faceret] sc. rem, 'carried on the business of a money-changer' (ἀργυραμοιβός), Verr. V 59 § 155 *is, quem ille argentariam Lepti fecisse dicit. Facere* is often used in a similar way, thus *carnificinam, histrioniam, naviculariam, unguentariam, scripturam facere*, 'to be by trade a butcher, actor, shipmaster, perfumer, clerk.' The conjunctive *faceret* is difficult to explain: *qui* is probably=*quippe qui*, so that the sense is 'as might be expected from a money-changer,' or it may be used consecutively, as referring to a class, not an individual.

l. 6. non habere] sc. dixit.

uti] sc. *illis*, 'that his grounds were not for sale, but they might use them, if he liked, as his own.' Cp. Catull. X 32 *utor tam bene, quam mihi pararem.*

l. 7. hominem] for *eum.* Tusc. I § 49, V § 61, de orat. I § 27, § 239, de fin. V § 94.

in posterum diem] 'for the next day.'

l. 8. promisisset] sc. [se venturum] ad cenam, 'had accepted his invitation,' Plaut. Stich. IV 1 9 *ad cenam alio promisi foras*, Menaechm. V 2, 43. The contrary was expressed by *renuntiare ad aliquem*, Plaut. Stich. IV 2, 19.

qui esset]=quippe qui esset, 'since he was,' expressing the reason why he was able to carry out his plan. Hor. Sat. I 3, 4 *Caesar qui cogere posset etc.*

ut argentarius] 'as being a banker,' 'as a banker might be expected to be.' So Tac. Germ. c. 22 *statim e somno...lavantur, saepius calida ut apud quos hiemps plurimum occupet*, Cic. Ac. pr. 2 § 98 *homo et acutus*, ut *Poenus, et valde studiosus*, de orat. I c. 38 *apud me, ut bonum iudicem, argumenta plus quam testes valent.* In these passages *ut* has a causal force, P. S. Gr. p. 311. It has also a modifying force, 'considered as being,' 'for,' de sen § 12 *multae ut in homine Romano litterae* i.e. 'for a Roman,' 'considering that he is a Roman,' de div. II § 30 *Democritus non inscite nugatur, ut physicus, quo genere nihil arrogantius*, i.e. 'for a natural philosopher,' Livy XXXII 33 *vir ut inter Aetolos facundus.* So ὡς Soph. Oed. T. 1071 αὐτὴ δ' ἴσως, φρονεῖ γάρ, ὡς γυνή, μέγα, i.e. 'she has a high spirit, like a woman;' but Thucydides IV 84 speaking of Brasidas says that he spoke well ὡς Λακεδαιμόνιος 'for a Lacedaemonian,' the Lacedaemonians generally being no orators. So οἷα Soph. O. R. 756 ἄξιος γάρ, οἷ' ἀνὴρ δοῦλος, Thuc. II 5. See an excellent note of Kühner on Tusc. I § 15 'In ejusmodi enunciatis ellipticis particula *ut* (ὡς) duplicem vim habet aut exaequandi aut restringendi. Cardo rei vertitur in praedicato rerum comparatarum. Etenim eius rei quacum altera comparatur praedicatum cogitatione ponitur et, quatenus id aut affirmative aut negative ponitur, *ut* aut exaequandi aut restringendi vi instruitur, et aut per nostrum *als* ('as') aut per praepositionem *für* ('for') vertendum est. Sic hoc loco *acuti hominis ut Siculi* vim habet exaequandi; nam cogitatione ponitur Siculorum gentem esse acutam. Infra c. 43 § 104 (Diogenes) *ut Cynicus, asperius proiici se iussit inhumatum.* Contra Corn. Nep. Epam. V 2 *exercitatus in dicendo, ut Thebanus* vim habet restrictivam: ponitur enim Thebanos per se spectatos in dicendo *non* fuisse exercitatos. At sententia plane mutatur, si dicas *ut Atheniensis*, Athenienses enim dicendi fuisse peritissimos nemo ignorat.; de orat. II 1, 2 *quos tum, ut pueri, refutare domesticis testibus—solebamus*, ib. III § 66 *orationis genus—fortasse subtile et certe acutum, sed ut in oratore exile.*'

l. 11. temperi] i. q. *in tempore* 'at the right time.'

l. 12. adparatum] sc. *est.*

l. 13. quod ceperat] sub. *piscium.* **pro se quisque]** i. q. *pro suis quisque viribus, pro sua q. parte*, to be taken with *quod ceperat*, cp. de orat. I § 82 *pro se quisque quae poterat de officio et ratione oratoris disputabat*, Verg. Aen. XII 552 *pro se quisque viri summa nituntur opum vi.*

§ 59, l. 17. aquatio] sc. *piscium*, 'a place for the fish to get fresh water from.'

isti] sc. piscatores.

l. 19. gravate] sub. *agit*, 'reluctantly,' § 46 l. 11, § 47 l. 17.

quid multa] sc. *dicam?* 'to cut the story short,' § 19. P. S. Gr. p. 346.

impetrat] sc. *Canius.*

l. 20. et emit instructos] sc. *hortos* 'and he bought them with the furniture as they stood,' Nägelsb. lat. St. p. 95: see Zumpt Gr. § 717 on the repetition of the verb, and cp. I § 1 *disces—et disces quamdiu voles.*

l. 21. nomina facit] sc. Pythius. *Nomen* is used extensively in money transactions. It properly denotes the name of a person entered in a banker's or any other ledger: Asconius on Verr. I 10, 28 *tituli debitorum nomina dicuntur praesertim in iis debitis, in quibus hominum nomina scripta sunt, quibus pecuniae commodatae sunt.* Hence *nomina facere*, 'to make such entries' as creditor, 'to lend money,' e.g. Senec. de ben. I *nomina facturi in patrimonium debitoris inquirimus*, or as debtor 'to borrow it.' The debtor was said *nomina locare*, as in Phaedr. I 17. So a man is said to have money *in* nominibus when it is owed him (Long n. to Verres vol. I, p. 117) and *exigere nomina* when he 'calls in his debts,' and a debtor is said *nomina dissolvere, expedire*, when he 'pays his debts off.' Cic. pro Planc. c. 28, pro Rosc. com. c. 6. Heine takes Canius as the subject: in that case *nomina facit* must mean 'he borrows the money.'

l. 22. scalmum nullum] 'not a single rullock (or peg to which the oar is fastened),' much less a boat.

l. 24. quod eos nullos videret] 'that he did not see any of them,' Zumpt Gr. § 430, pro Rosc. Am. § 128 *haec bona nulla in tabulas publicas redierunt.*

quod sciam] 'as far as I know,' cp. § 42, the restrictive use of the consecutive subjunctive. Cp. § 69 l. 29, ep. ad fam. IV 2, *quod commodo tuo fiat.*

l. 26. mirabar quid accidisset] 'I could not think what had happened.' So θαυμάζω Plat. Phaed. 97 A: see Nägelsbach lat. Stil. p. 285.

§ 60, l. 27. quid faceret] 'what was he to do,' 'what should he do.' The dubitative conjunctive, § 68, Verg. Georg. IV 504, Cic. de or. III § 86 *quid faceret aliud*, P. S. Gr. p. 339, Madvig Gr. § 353.

Aquilius] C. Aquilius Gallus, disciple of Q. Mucius Scaevola, Cicero's colleague in the praetorship B.C. 66, ad Att. I, 1 § 1, or. pro Caecin. c. 27.

l. 28. dolo malo] 'criminal fraud,' de nat. deor. III § 74 *inde everriculum malitiarum omnium, iudicium de dolo malo quod C. Aquilius, familiaris noster, protulit; quem dolum idem Aquilius tum teneri putat, cum aliud sit simulatum, aliud actum.*

l. 29. formulas] 'established forms' of legal procedure, under some one of which every action at law must be brought as in our law under the head (*formula*) of felony, larceny, arson, misdemeanour, &c.

Upon the suppression of certain sacramental forms called *legis actiones* 'actions of the law' by the *lex Aebutia* about B.C. 200 by reason of the excessive nicety of their technicalities, the formulary system took their place. The essential feature of this system consisted in a *formula*, which the praetor (*in iure*) prepared after hearing the parties to a suit, and which was remitted to the *iudex* to regulate his decision (*in iudicio*). All the formulae generally in use were to be found in the *album Praetoris*, and they were multiplied from time to time to suit the exigencies of particular cases. The three parts of the formula were (1) the *demonstratio*, (statement of facts, and ground of action), (2) *intentio* (plaintiff's claim, and the question for the decision of the *iudex*, and which might be modified with the words *quantum aequius melius sit*, or *ex fide bona*, binding the *iudex* to take the whole circumstances into equitable consideration), (3) *condemnatio*, which gave the *iudex* power to condemn or acquit the defendant, and which was usually qualified with a *taxatio*, restricting the amount of damages to be awarded by the *iudex* to a certain maximum, or *adiudicatio*, giving the *iudex* or *arbiter* power to adjudicate. We have the text of a formula given by Gaius (4, 47), in a case where Aulus Agerius sued Numerius Negidius for restoration of a silver table deposited with him and, failing restitution, for payment of damages:—

Octavius iudex esto; Quod Aulus Agerius apud Numerium Negidium mensam argenteam deposuit; qua de re agitur;
Quidquid ob eam rem N. Negidium A. Agerio dare facere oportet ex fide bona eius;
iudex N. Negidium A. Agerio condemnato, nisi restituat; si non paret, absolvito.

When the parties had appeared in court, the plaintiff declared his form of action (*editio actionis*), and applied to the magistrate for a formula (*actionis postulatio*). The magistrate or praetor appointed a *iudex* for the trial of the case, and delivered to him a formula determining the question to be decided. The delivery of the formula *cum iudicium accipitur* was the moment of the *litis contestatio*, which ended the proceedings *in iure*. Such formulae were those of Aquilius *de dolo malo* for the guidance of the *iudex* in a claim for restitution, where a fraud had been practised in a sale or some similar proceeding. The formulary system remained in force until the reign of Diocletian, A.D. 294. See Lord Mackenzie *Studies in Roman Law* p. 349 ff., Ramsay *Rom. Antiq.* p. 278 ff., Gibbon's *Roman Empire*, ch. XLIV.

in quibus ipsis cet.] 'being asked the meaning of *dolus malus* in these *formulae*.'

l. 31. aliud simulatum, aliud actum] cp. de nat. deor. III § 74.

l. 32. luculente] sc. *dictum est*, 'clearly,' 'to the point.'

ut] 'as might be expected,' § 58 l. 8 n.

l. 34. utile] § 57.

CHAPTER XV

§ 61, l. 37. simulatio dissimulatioque tollenda est] 'pretence and concealment should be done away with.'

P. 117, l. 1. ut emat melius] § 51 l. 6.

l. 3. legibus erat vindicatus] 'had been punished by the laws,' i.e. already before Aquilius' time.

in tutela] 'in the case of wardship.' See Ramsay *Rom. Ant.* p. 254 f., and cp. pro Rosc. com. § 16 *si qua sunt iudicia summae existimationis et paene dicam capitis, tria haec sunt, fiduciae, tutelae, societatis,* pro Caec. § 7, pro S. Rosc. Am. § 111. The MSS read *tutela*, which commentators explain as = *tutela male administrata*, comparing de nat. deor. III § 74 *inde tot iudicia de fide mala tutelae, mandati, fiduciae.*

l. 4. circumscriptio adulescentium] 'defrauding of minors,' Iuv. sat. X 222 *quot circumscripserit Hirrus pupillos*, XV 135 *pupillum ad iura vocantem circumscriptorem*, where see Professor Mayor's note.

l. 5. lege Plaetoria] This law (B.C. 192) first made a settled distinction between *minores* (those under 25 years of age) and *maiores*. Fraud upon the first was made punishable by a heavy fine and loss of honour (*infamia*); moreover for the protection of minors, it provided that contracts with them should not be held valid, unless by the advice of a *curator* appointed by the praetor. The statute allowed also complaints to be made by any one, not by those only who were aggrieved. Cp. de nat. deor. III 30 § 74 *inde iudicium publicum rei privatae lege Plaetoria*. In Plautus Pseudulus I 3, 69 it is called the *lex quina vicenaria*: cp. Rudens V 3, 25 and see *Dict. of Antiqq.* s. v. *curator*.

sine lege iudiciis, in quibus additur cet.] i.e. *sine lege vindicatus erat iudiciis*, 'without any positive enactment, by decisions in equity.' By *iudicia* are meant *actiones honorariae, bonae fidei*, in contradiction to *actiones legitimae, stricti iuris*: they constituted the *aequum* or *ius honorarium* opposed to *ius civile* and corresponding to our equity law: see Maine *Ancient Law* p. 58 ff. 'Sine certa lege ad singulare quoddam genus causarum pertinente, in omnibus iudiciis, in quibus a praetore iudex dabatur cum formula ut 'ex fide bona' iudicaret.' *Z.* They concerned cases of wardship, partnership, buying and selling, letting and hiring, trusts: *tutela, societas, emptio venditio, locatio conductio, fiduciae.* See Long Verres I p. 53.

l. 6. reliquorum iudiciorum] 'of the remaining cases of *iudicia bonae fidei*.'

l. 7. haec verba excellunt] 'the following words are prominent.'

in arbitrio rei ux.] 'in the case of arbitration about a wife's property.' On the disposal of the *dos* when a marriage was dissolved by death or divorce see Ramsay *Roman Antiqq.* p. 254. Questions relating to the wife's property belonged to the *actiones bonae fidei*, and were decided before *arbitri*. The addition *quantum melius aequius* (an asyndeton for *quantum melius et aequius*) indicates the claim as one not fixed and settled, but dependent upon the arbiter's judgment. Cp. pro Rosc. com. § 12 *quaero, quid—ita arbitrum sumpseris, quantum aequius et melius sit dari repromittique, sic petieris*, Top. § 66 *in omnibus igitur iis iudiciis, in quibus 'ex fide bona' est additum, ubi vero etiam 'ut inter bonos bene agier,' imprimisque in arbitrio rei uxoriae, in quo est, 'quod eius melius aequius,' parati esse debent.* The difference between *iudicium* and *arbitrium* is given by Cicero pro Rosc. com. § 10 *iudicium est pecuniae certae,*

arbitrium incertae: ad iudicium hoc modo venimus, ut totam litem aut obtineamus aut amittamus: ad arbitrium hoc animo adimus, ut neque nihil neque tantum, quantum postulavimus, consequamur: in trials before the praetor and *iudices* a fixed sum was claimed and the suit was lost, if not allowed in full, but in cases of arbitration the sum demanded always exceeded the sum awarded.

l. 8. in fiducia] 'in the case of property alienated on condition of its being restored.' *Fiducia* was the term applied to a contract *de dominio revocabili*, when a man transferred his property to another on condition that it should be restored to him: the person to whom the property was so transferred was said *fiduciam accipere* (Top. § 42), and, if he did not restore it, was liable to an *actio fiduciae* or *fiduciaria*, pro Rosc. com. § 16, pro Caec. § 7, de nat. deor. III § 74 *inde tot iudicia de fide mala, tutelae, mandati, pro socio, fiduciae.*

ut inter bonos] i.q. *tamquam inter bonos*, cp. § 70.

l. 11. malitiose] 'fraudulently.' I § 33 *malitiosa iuris interpretatione*, III § 57 l. 29, § 74 *malitiosis blanditiis.*

dolus autem malus—continetur] 'criminal fraud is involved in misrepresentation.'

l. 12. rebus contrahendis] 'contracts,' I § 14, § 53.

l. 13. inlicitatorem] 'a sham purchaser' or 'puffer,' put up to bid against others and enhance the price of articles at a sale by auction.

l. 14. qui contra se liceatur] 'to bid (deceitfully) against himself,' by making an offer so small as to depreciate the article and by this mock bidding to enable his friend (the actual purchaser) to get it at a low price. Zumpt reads with the cod. Bern. c. *qui—reliceatur*, i.e. 'a person to bid back or lower than some one has already bid, in order to produce the impression that the property is not worth what has been offered for it. But the verb *reliceri* does not occur elsewhere.

apponet] 'will employ,' 'set to work,' a common meaning in the phrase *accusatorem apponere*, Verr. V 41, 108 *apponitur eis tamen accusator Naevius Turpio*, ib. IV 19, 40 *apponit de suis canibus quendam.*

uterque, si ad eloquendum venerit] 'if both of them (i.e. vendor and purchaser) come to declare the price.'

§ 62, l. 16. Scaevola] I § 116, II § 57 *homo omnium moderatissimus*, Lael. § 1 *quem unum nostrae civitatis et ingenio et iustitia praestantissimum audeo dicere.* On the use of *quidem* in confirmation of a previous statement see note to I § 37.

l. 17. ut sibi—semel indicaretur] 'that the price of the estate should be stated once for all,' Plaut. Aul. II 8, 3 *venio ad macellum; rogito pisces: indicant caros*, Pers. IV 4, 26 *modo ut sciam quanti indicet.* Cp. pro Caec. § 16.

l. 18. idque—ita fecisset] i.e. *indicasset pretium*, I § 4 l. 18. On the epexegetic addition of *ita* see Madvig's note on de fin. II § 17 who compares de fin. II § 28 *cur id non ita fit?* pro Mil. § 31 *si hoc nemo vestrum ita sentit*, de leg. II § 31 *neque vero hoc, quia sum ipse augur, ita sentio*, ad Att. XVI 9 *quod quidem ita credo*, to which may be added pro Rosc. Am. § 26, pro Arch. § 11, Verr. II 62 § 152.

pluris aestimare] sc. fundum.

l. 19. addidit centum milia] sc. *sestertium*, 'gave him 100,000 sesterces over and above what he asked.'

nemo est qui cet.] 'there is no one who can say this was not the action of a good man; they (the world in general) say it was not that of a wise man, any more than if he had parted with the property for a less price than he might have obtained for it.'

l. 20. sapientis negant] sc. *fuisse.*

ut si] i.q. *perinde quasi.*

l. 21. haec igitur est illa pernicies] 'this then is that pernicious doctrine.' Cp. § 34 *negat ullam pestem maiorem in vitam hominum invasisse quam eorum opinionem cet.* On **alios—alios** cp. § 60, P. S. Gr. p. 314.

l. 22. ex quo] unde, ex quo errore. *H.* Cp. I § 21 l. 26.

nequiquam cet.] From the *Medea* of Ennius; the original is quoted at length by Cicero ep. ad fam. VII 6 *qui ipse sibi sapiens prodesse non quit, nequiquam sapit*, together with the corresponding line from the *Medea* II of Euripides *μισῶ σοφιστήν, ὅστις οὐχ αὑτῷ σοφός*, Plato Hipp. mai. p. 283 B *πολλοῖς συνδοκεῖ, ὅτι τὸν σοφὸν αὑτῷ μάλιστα δεῖ σοφὸν εἶναι.*

l. 24. si—conveniret] 'if it were agreed upon between me and Ennius what was meant by the expression *prodesse.*' Cp. Tusc. III § 46 *conveniret mihi cum Epicuro, si quid esset bonum conveniret.*

§ 63, l. 25. Hecatonem] § 89.

l. 27. video] I § 90.

scripsit Tuberoni] 'dedicated to Tubero.' Q. Aelius Tubero, grandson of L. Aemilius Paullus and nephew to Scipio Africanus the younger, and a friend of Panaetius, was a devoted Stoic, Brut. § 117 *vita severus et congruens cum ea disciplina quam colebat, paullo etiam durior*, de orat. III § 87. He was praetor B.C. 123 after having failed in his candidateship B.C. 129 *propter perversam sapientiam in funere Africani* (Muren. § 75 f.)

l. 28. nihil—facientem]=ita ut nihil faciat. Translate: 'it is a wise man's duty to have regard to his private fortune, so that he do nothing (without doing anything) contrary to morals, laws and customs.' The participial construction represents a consecutive clause, P. S. Gr. p. 497.

l. 29. neque enim solum—civitatis] Notice the transition from the obliqua to the recta oratio, and cp. § 103, I § 158.

l. 31. facultates] 'means,' 'resources.'

l. 32. huic] sc. *Hecatoni.*

l. 33. etenim omnino tantum cet.] 'for he professes that he will abstain from doing for his own gain just so much as is not lawful (and no more),' i.e. he will do everything not positively forbidden by law or custom to serve himself. Cp. I § 11.

P. 118, l. 1. huic] Neutrum esse puto, ei quod non facit, lucro quod omittit. *Z.*

§ 64, l. 2. sed]=δ' οὖν, resumptive, 'be that as it may,' to return to my principal subject, I § 24, § 105, Zumpt Gr. § 739, Madv. Gr. § 480.

l. 5. istum virum bonum] 'that good man whom I have just mentioned, who is now before you for your consideration:' cp. Cat. I § 22 *utinam tibi istam mentem di immortales duint*, 'I wish the gods would give you such a mind as I have mentioned!', Hor. Epist. I 6, 67 *si quid novisti rectius istis, candidus imperti*, 'if you know anything more correct than what is before you,—candidly impart it.' See Donaldson Lat. Gr. p. 385.

CHAPTER XVI

§ **65, l. 9. ac—quidem]** Transit oratio ad rem per singulas partes accuratius definiendam. Hand Tursell. I p. 502.

de iure praediorum] de eo quod iustum sit in vendendis praediis, id est, fundis villis domibus, 'concerning the right appertaining to estates.' *Praedium* was the general word for 'real property,' *praedium urbanum* being said of house property, *praedium rusticum* of landed property.

l. 12. cum ex duodecim tabulis cet.] 'whereas according to the XII Tables it was enough for such faults to be made good (§ 55), as are expressly declared, and any one who did not own these defects, when questioned by the purchaser, incurred a double penalty, men learned in the law have enacted a penalty also for reticence.' According to Festus p. 173 ed. Müller s.v. *nuncupata* the law was: CVM NEXVM FACIET MANCIPIVMQVE, VTEI LINGVA NVNCVPASIT, ITA IVS ESTO.

l. 15. iuris consultis] more commonly *iure consultis.*

reticentiae] 'reticence,' i.e. saying nothing about them, no questions having been asked by the purchaser. An *actio redhibitoria* might be brought against the seller in this case.

§ **66, l. 18. ut]** 'as for example,' I § 31 l. 27.

in arce] i.e. the Capitol, which was used as an observatory by the augurs. Paulus Festi p. 18 *auguraculum appellabant antiqui, quam nos arcem dicimus, quod ibi augures publice auspicarentur.* As the augurs faced the east when they were engaged in their ceremonies (Liv. I 18), a house on the Caelian Hill might obstruct their view.

augurium acturi essent] 'were going to take an augury.'

l. 20. demoliri ea] i.e. *eam domus partem,* 'to pull down such parts of the building as by their height obstructed the augur's observations.'

l. 21. proscripsit] 'advertised for sale,' Heine and others regard *vendidit* as a gloss upon *proscripsit,* just as in § 55 there is in one MS a gloss *vendidit, exposuit* upon the same verb.

l. 22. insulam] 'a detached house,' not joined to the neighbouring houses by a common wall (*quae non iungitur communibus parietibus cum vicinis circuituque cingitur* Festus s.v.), pro Cael. § 17, Philipp. X § 8. Such houses were mostly used as lodging-houses for poorer families, who lived on the several flats or stories.

l. 23. illud idem] 'that same notice was given, that had been given to Centumalus,' i.e. to pull part of it down.

l. 25. arbitrum illum adegit] i.q. *illum adduxit ad arbitrum,* 'compelled him to go before an arbitrator,' or, as we say, brought the matter into a court of equity. So pro Rosc. com. § 25 *cur non arbitrum pro socio adegeris Q. Roscium, quaero,* Top. § 43. Cp. the expression *adigere aliquem iusiurandum.*

l. 26. quidquid sibi—ex fide bona] Respicit ad formulam stipulationis: *promittisne quidquid te dare facere oportet?* Respondebatur *promitto. H.* Hac stipulatione facta ad arbitrum veniebant, qui *ex fide bona* aestimato damno statueret, quid alter alteri daret faceretve. *Z.* The formula, which the Praetor gave to the appointed *arbiter* and instructed him on the question at issue, answered to the before-mentioned *quantum melius aequius,* that the complainant might not prefer a fixed claim. The

full form in an *actio aestimatoria* or *actio empti* would run thus: *M. Cato arbiter esto. Quod P. Calpurnius Lanarius aedes in Caelio monte sitas emit de T. Claudio Centumalo, quidquid ob eam rem T. Claudium P. Calpurnio dare facere oportet ex fide bona, eius T. Claudium P. Calpurnio condemna.*

l. 27. M. Cato huius nostri Catonis pater] i.e. M. Porcius Cato, father of Cato of Utica, son of M. P. Cato Salonianus, and so grandson of Cato the Censor. He was *tribunus plebis* and died when a candidate for the Praetorship. A. Gell. XIII 19, 14 *is* M. Cato *tribunus plebis fuit et praeturam petens mortem obiit* (B.C. 91) *ex eoque natus est* M. Cato praetorius, *qui se bello civili Uticae interemit.* Plutarch Cat. min. 1—3, Valer. Max. I 2, 1. For the meaning of *huius* cp. I § 121.

sententiam dixit] 'pronounced a verdict,' as *arbiter.*

l. 30. igitur] 'then,' after a parenthesis, as I § 3, § 121, II § 9, III § 62, Zumpt Gramm. § 739.

l. 31. et non pronuntiasset] 'and yet had not given him notice of that circumstance', viz. that the augurs required it to be pulled down.

emptori damnum praestari oportere] 'that the loss ought to be made good to the purchaser,' cp. note § 55 l. 13, Wilkins on Cic. de or. I § 113.

§ **67, l. 34. non recte—non recte]** anaphora instead of the sociative conjunction, see Kenn. p. 318, Roby II 1052, Madvig Gr. § 434 *obs.* 2.

frumentarius ille] § 50.

P. 119, l. 1. aedium—venditor] § 54.

l. 2. reticentiae] 'cases of reticence,' I § 78 n.

comprehendi] 'be comprised,' so *numero, memoria comprehendere.*

l. 3. tenentur] sc. *iure et legibus,* 'are repressed.'

Gratidianus] M. Marius Gratidianus § 80. He was the son or grandson of M. Gratidius of Arpinum (Brut. § 168), whose sister was married to Cicero's grandfather (de leg. III § 36), hence he calls him *propinquus* 'his kinsman.' He was adopted by M. Marius, a brother of the celebrated general of that name and therefore called Marius Gratidianus. Catiline murdered him in the Sullan proscriptions, after he had been twice praetor, according to Lucan II 175. The same case is quoted in the de oratore I § 178 *Quid? nuper, cum ego C. Sergii Oratae contra hunc nostrum Antonium iudicio privato causam defenderem, nonne omnis nostra in iure versata defensio est? Cum enim* M. Marius Gratidianus *aedes Oratae vendidisset neque servire quamdam earum aedium partem in mancipi lege dixisset, defendebamus, quidquid fuisset incommodi in mancipio, id si venditor scisset neque declarasset, praestare debere.*

l. 4. Sergio Oratae] C. Sergius Silus Orata was praetor B.C. 97; the name *Orata,* i.q. *Aurata* (Peile Gr. and Lat. Etym. p. 268), was given him because of his fondness for gold fish, Macrob. Saturn. III 15, 3 *huic opinioni M. Varro consentit adserens eodem modo Licinios appellatos Murenas, quo Sergius Orata cognominatus est, quod ei pisces qui auratae vocantur carissimi fuerint;* according to Festus p. 182 because he used to wear two large gold rings. He is mentioned in de fin. II § 70.

l. 6. eae serviebant] 'it (the house) was under a servitude.' A servitude is the liability of the property of one person to certain rights of another estate or person over it. *Servitus* means either the liability or the right to such a servitude. *Servitutes* were (1) praedial or real, (2) personal. Praedial servitudes were the liabilities of one estate or building (*res serviens* 'the servient tenement') to the superior rights of

another estate or building (*res dominans* 'the dominant tenement'). They were divided into rural and urban; the former affecting the land itself, as the right of way, whether (*a*) footpath or bridle-road (*iter*), (*b*) carriage-road (*actus*), (*c*) highway (*via*), right of aqueduct (*aquaeductus*); the latter, attached to buildings raised on the soil, as on the part of the dominant tenement the servitude of support (*oneris ferendi*) giving a right to rest the building on part of the contiguous property, of fixing a joist or beam in a neighbour's wall (*ius tigni immittendi*), the liability to receive rain-water from roof or gutter (*ius stillicidii vel fluminis recipiendi*). Personal servitudes were those which were enjoyed immediately by a particular person, without being attached to an estate, whereas real servitudes are appurtenant to lands. The easements of the English law correspond in some respect with the servitudes of Roman law. See Lord Mackenzie, *Studies in Roman Law*, p. 183 ff., Ramsay *Roman Antiq.* p. 257.

l. 7. **in mancipio**] sc. *faciendo*, 'in the conditions of sale,' de orat. I § 178 *in mancipii lege*, i.e. 'in the contract of sale.' By the Roman law 'ownership of property' (*dominium*) was acquired by individuals either *iure gentium* or *iure civili* 'by the Quiritarian law of Rome.' In the latter case by 1. *mancipatio*, 2. *in iure cessio*, 3. *traditio*, 4. *usucapio* (i.e. uninterrupted possession of a thing for one or two years), 5. *adiudicatio*, 6. *lex*. *Mancipatio* is thus defined by Gaius I 119: *est mancipatio imaginaria quaedam venditio—eaque res ita agitur: adhibitis non minus quam quinque testibus, civibus Romanis puberibus et praeterea alio eiusdem condicionis, qui libram aëneam teneat, qui appellatur libripens, is qui mancipio accipit rem tenens ita dicit:* Hunc ego hominem (vel hanc rem) ex iure Quiritium meum esse aio, isque mihi emptus est hoc aere aeneaque libra: *deinde aere* (i.e. numo) *percutit libram, idque aes dat ei, a quo mancipio accipit, quasi pretii loco. Mancipium* means (1) the formal purchase *per aes et libram*, or (2) the property, right of absolute ownership, acquired by such purchase, so that he can alienate it at pleasure, especially a slave. Hence Lucretius III 971 says *vitaque* mancipio *nulli datur, omnibus usu*, i.e. nature gives none the *mancipium ex iure Quiritium*, the full and absolute ownership of life; she only lends it, keeping the *dominium* to herself. Cp. Horace Epist. II 2, 159—160 *si proprium est quod quis libra mercatur et aere, quaedam si credis consultis, mancipat* ('gives a title to') *usus* (i.q. *usucapio*).

By the ancient civil law things were divided into *res mancipi* and *res nec mancipi*, i.e. 'things which could,' and 'things which could not be acquired as absolute property.' To the former belonged lands, slaves, and ordinary beasts of burden, such as horses, oxen, mules, &c. Maine *Ancient Law* p. 277, Lord Mackenzie *Studies in Roman Law* p. 172, Ramsay *Rom. Antiq.* p. 258.

l. 9. **Crassus**] L. Licinius Crassus, I § 108, Wilkins Intr. to Cic. de orat. I p. 7.

Antonius] II § 49. He was an intimate friend of the father of Gratidianus, Brut. § 168.

ius Crassus urguebat] 'Crassus laid stress on the law, that any fault not mentioned by the seller, though he knew it, ought to be made good: Antonius, on the equity of the case, that, inasmuch as the fault in question had not been unknown to Sergius, since he had before sold the house in question, there was no reason for its being specified (on occasion of the second transfer), and that the purchaser had not been imposed upon, since he knew very well to what his purchase was subject.'

l. 10. **quod vitii**] I § 19, § 137, II § 86, de orat. I § 178 *quidquid incommodi*.

l. 12. **nihil fuisse necesse dici**] § 52 l. 18.

l. 14. **teneret**] i.q. *sciret*. *Quo iure esset*, II § 27.

§ 68. **quorsus haec?**] sc. *profero* or *pertinent*, 'what is the drift of these remarks? to make you understand that our ancestors did not like sharp practice.' de sen. § 42 *quorsus haec? ut intellegeretis*, Tusc. I § 60 *quorsus igitur haec spectat oratio*, de leg. I § 63 *quorsus hoc pertinet?*

CHAPTER XVII

l. 17. **quatenus manu tenere possunt**] 'so far as they can actually lay hold of them,' that is, 'actual offences, overt acts.' Moral philosophy investigates the motives also and intentions, and by informing the judgment (*intellegentia*) and improving the reason (*ratio*) seeks to prevent their commission. Cp. Brut. § 277 *cum indicia mortis se comperisse manifeste et manu tenere diceret*.

l. 19. **ne quid insidiose**] sc. fiat, I § 82, § 127, § 156, II § 51, Kenn. Gr. p. 346.

l. 20. **suntne igitur**] *ne* is used in affirmation, with nearly the same force as nonne: cp. § 78, de nat. deor. III § 69 *videturne summa improbitate usus non sine summa esse ratione*, Tusc. II § 26 *videsne abundare me otio?* ib. § 50, § 53, de orat. II § 62 *videtisne, quantum munus sit oratoris historia?* pro Rosc. Am. § 113 *itane est?* Madvig Gr. § 451 a.

l. 21. **excitaturus**] sc. *feras*, 'to start from their lair,' **agitaturus** 'to hunt.'

l. 22. **ipsae enim—plagam**] 'yes, for of themselves, without any one to drive them, they often fall into a snare.'

l. 23. **proscribas**] 'would you advertise?' § 55 l. 8. Cp. II § 23 *habitent gratis in alieno*. The dubitative conjunctive, § 60 l. 27, P. S. Gr. p. 339, Zumpt Gr. § 530.

tabulam] sc. *auctionariam*, 'a notice of sale,' § 55. The singular *plaga*, which is of rare occurrence (Ovid. art. am. III 428 *inque plagam nullo cervus agente venit*, Plin. n. h. XI § 83 *licet extrema haereat plaga, semper in medium currit*), is here probably used because of *tabula* by a kind of attraction.

l. 24. **in eam**] The words *domum propter vitia vendas* are probably a gloss, as *eam* refers to *plagam*. See note to § 66.

§ 69, l. 25. **hoc**] sc. *insidiae*.

l. 26. **neque more turpe haberi neque aut lege sanciri aut iure civili**] § 55 l. 3, 'is neither by custom accounted morally wrong nor forbidden either by statute or civil law.' For the meaning of *sancio* 'to enact a penalty against' cp. ep. ad Att. X 1 *Solon capite sanxit, si qui in seditione non alterius utrius partis fuisset*, i.e. 'made it a capital offence,' de leg. II § 22 *incestum pontifices supremo supplicio sanciunto*. *Lex* and *ius* are not opposed here as in I § 124, but by *ius* is rather meant the completion, which the science of law received through the *edicta praetorum*, as opposed to the common law. See I § 32 *pleraque iure praetorio liberantur, nonnulla legibus*. *Ius civile*=ius inter cives eiusdem civitatis, 'the law of the land,' as opposed to the *ius gentium* 'the law of nations,' which is identical with the *lex naturae*. See n. to § 27.

l. 28. saepe dictum est] § 21, § 26, § 31, I § 50, § 53, § 149.

l. 29. quae pateat] consecutive subj. in restrictive sense, § 59 l. 24, Madvig Gr. § 364 *obs.* 1.

l. 30. interior] I § 53, Nägelsb. lat. Stil. p. 187.

l. 33. non idem continuo] 'is not also necessarily,' 'it does not at once follow that it is,' § 36 n. Because the civil law may add, though it can add nothing contrary to that fundamental law of nations, which is of universal applicability, and is independent of and superior to the law of any particular country. '*Continuo* indicat nexum rerum proximum aut necessarium, nulla conditione intercedente.' Tusc. III 3, 5 *cum—nec omnes, qui curari se passi sunt, continuo etiam convalescant,* ib. § 40 *si malo careat, continuone fruitur summo bono?* pro Rosc. Am. § 94 *non continuo, si me in gregem sicariorum contuli, sum sicarius,* de orat. I § 125, Hand Tursell. II p. 106.

P. 120, l. 2. sed nos veri cet.] 'but we have not the real and lifelike figure of true Law and genuine Justice; delineations and sketches are all we have; and I only wish we followed even these, such as they are, for they are taken from those excellent models presented by Nature and Truth.' The same metaphor, taken partly from sculpture, partly from painting, is used by Cicero Tusc. III § 3 *consectatur nullam eminentem effigiem virtutis sed adumbratam imaginem gloriae. Est enim gloria solida quaedam res et expressa, non adumbrata:* where, as in the passage before us, by *effigies* is meant 'the moulded form,' by *solidus* is meant what is 'substantial,' 'tangible,' by *expressus,* 'that which is sharply delineated,' 'chiselled as by a sculptor' (Ac. Post. I § 27), and by *adumbrata imago,* the 'imperfect outline' (σκιαγραφία) of the future statue.

germanae] 'genuine, real.' So Cic. Ac. 2 § 132 *germanissimus Stoicus,* 'a thorough, out-and-out Stoic,' ad Att. IV 5 *scio me asinum germanum fuisse,* Plaut. Mostell. I 1 40 *germana inluvies.*

l. 4. eas—utinam sequeremur] if we did but avail ourselves of true justice, we should regard all men as Brothers (I § 23, de fin. III § 64, § 67) and so make no distinction between *ius civile* and *ius gentium.*

l. 6. naturae et veritatis exemplis] i.e. 'patterns which nature and truth afford,' *a vera lege, quae est recta ratio, naturae congruens* (Lactant. VI 8, 7 e l. III de rep.), *tamquam ab optimo exemplari. Exempla* here has the meaning of exemplaria, 'originals,' 'patterns,' 'models.' Cp. Liv. XXVI 41, 24 *ut, quemadmodum noscitatis in me patris patruique similitudinem oris voltusque et lineamenta corporis, ita ingenii, fidei virtutisque ad exemplum expressam effigiem vobis reddam* (according to the reading of Ruhnken), Plaut. Poenul. V 4, 183 *nam alios pictores nil moror huiusmodi tractare exempla,* Cic. de inv. II 1 *ut mutum in simulacrum ex animali exemplo veritas transferatur.*

§ 70, l. 7. quanti] sc. *facienda sunt.*

uti ne propter te cet.—ut inter bonos cet.] Forms used in cases of trusteeship (*pactum fiduciae,* § 61): **fidem tuam,** 'trust in you,' see I § 139: so in the Litany of the Church Service, 'that it may please thee to rule her heart in thy faith, fear and love.'

l. 11. Q. Scaevola] I § 116, III § 62. On **quidem** see note to § 11 l. 16.

l. 12. summam vim cet.] existimabat maximum ac difficillimum negotium agere iudicem, qui eiusmodi receperit arbitrium; multumque requiri ad id, ut recte pronuntiare queat aliquem praestitisse, quae ex fide bona praestanda fuerint. Vide supra § 61. *H.*

l. 13. fidei bonae nomen—contineretur] 'that the expression *bona fides* had an extensive application, being employed in cases of wardship partnerships, trusts commissions, purchases sales, hiring letting, which make up the system of social transactions.' Ramsay *Rom. Antiqq.* pp. 271, 272.

l. 14. manare latissime] = *patere latissime,* I § 4. Cp. II § 80. On the descriptive gen. *fidei* cp. II § 2 l. 14 and see Kenn. Gr. § 166.

tutelis—locatis] These words must be taken in pairs according to an usage frequently found in Cicero. See index s. v. 'pairs of words.'

l. 16. contineretur] For the meaning of *continere* see § 23 l. 4 n.

magni esse iudicis] 'that it required an able judge,' P. S. Gr. p. 413.

l. 18. iudicia contraria] not 'contrary decisions,' but opposed to *directa,* 'cross suits of each against the other,' the defendant putting in a counter plea (a plea in bar), that the plaintiff has not fulfilled his part of the joint engagement. It was competent for the *iudex* in *arbitriis bonae fidei* to entertain all exceptions and counter claims of the defendant founded on any violation of good faith, even though no mention was made of them in the *formula,* Gaius IV 61 f, Iust. Inst. IV 30, Lord Mackenzie *Studies in Roman Law* p. 366. These *iudicia contraria* might happen in any of the six cases just enumerated.

§ 71, l. 19. astutiae] 'practices of chicanery,' I § 78.

volt—se videri] I § 66, II § 78.

l. 20. illa quidem] simply serve to emphasize the subject of the verb and to contrast it with what follows, I § 66, § 95.

l. 21. prudentia] Diogen. Laert. VII 92 *καὶ τὴν μὲν φρόνησιν (λέγουσιν οἱ Στωικοὶ) εἶναι ἐπιστήμην κακῶν καὶ ἀγαθῶν καὶ οὐδετέρων,* see Introd. § 24.

est locata] 'has its proper place,' § 38.

l. 22. malitia] any legal trick by which the ends of justice were frustrated, though the letter of the law remained inviolate.

l. 22. si mala sunt] sc. ut sunt.

l. 23. ponit ante] for *anteponit:* the anastrophe (not tmesis, Halm on Cic. pro Sull. § 25, Hand Tursell. I p. 366) gives greater prominence to the meaning of the preposition, as in *i prae, sequor* for *praei, sequor:* it is of rare occurrence in prose writers, Nep. Alc. 8 *praeter arma et navis nihil erat super,* Cic. Brut. § 21 *faciam vobis satis,* ad Att. V 18, 4 *faciam tamen satis.*

l. 24. ductum a natura] 'copied from nature,' i.e. derived from a natural feeling of right, § 22.

vindicat] 'punishes,' I § 109.

l. 25. mancipiorum] 'slaves,' § 67 n.

l. 26. excluditur] 'is prevented,' 'disallowed.'

de sanitate—praestat edicto aedilium] 'is bound to guarantee as to his healthiness, his aptness to run away or to steal, by the edict of the aediles,' who had the wardenship of the markets at Rome. Gell. IV 2 *in edicto aedilium curulium, qua parte de mancipiis vendundis cautum est, scriptum sic fuit: 'titvlvs scriptorvm singvlorvm vtei scriptvs sit cvrato ita, vtei intellegi recte possit, qvid morbi vitiive cviqve sit, qvis fugitivus errove sit noxave solvtvs non sit.'* If a slave was guilty of *furtum,* it constituted an *obligatio ex delicto* against the master, and the person wronged might bring an *actio noxalis.* In this case the master might either abide the result of the suit, or he might at once settle the claim by making over

the offender (*mancipando*) to the plaintiff, which was called *noxae deditio*. Gaius IV 75 *ex maleficiis filiorum familias servorumve, velut si furtum fecerint aut iniuriam commiserint, noxales actiones proditae sunt, ut liceret patri dominove aut litis aestimationem sufferre aut noxae dedere*. Cp. Ramsay *Rom. Ant.* p. 310. Cp. Varro R. R. II 10, 5 *in* (servorum) *emptione solet stipulatio intercedere sanum eum esse, furtis noxisque solutum*, h.e. *nemini furti obligatum*, as Ulpian explains it D. L. 16, 174.

l. 28. heredum alia causa est] 'the case of heirs is different,' because newly succeeding to an estate, of which slaves were a part, they were not expected *praestare vitia servorum*.

§ 72, l. 30. id agere ut] I § 136, II § 43, § 33.

l. 32. in malitia] i.e. ubi est malitia.

l. 33. intellegentiae] i.q. *sapientiae*, § 62. Cp. above § 71 *malitia quae volt videri se esse prudentiam*, 96 *prudentia...quam vult imitari malitia*. Having shewn by a number of instances that no action can be expedient which is contrary to strict justice, he now proceeds to those actions which are done under the pretence of Wisdom and Prudence, but indeed are quite contrary to it, and shews these also to be inexpedient.

l. 34. ut—videantur] The *ut* clause expands the pronoun *ista*, 'those countless cases, where.'

quotus quisque] 'each unit of what total number,'='one in how many,' hence 'how small a proportion?' 'how few?' P. S. Gr. pp. 309, 310.

P. 121, l. 1. ignoratione omnium proposita] 'if the power to keep it a secret from every one were offered him,' § 39. Cp. II § 45 *in hominum ignoratione*, 'unknown to mankind.'

CHAPTER XVIII

§ 73, l. 3. periclitemur] sc. *veritatem huius sententiae* or *num quem reperiamus*, 'let us make trial (if such are to be found),' or 'put to the test the principle which I have laid down, and let our trial be in the case of those examples.' De div. II § 97 *quadringenta septuaginta milia annorum in periclitandis experiendisque pueris—Babylonios posuisse*.

l. 6. testamentariis] 'forgers of wills.' The word properly means 'a notary,' 'one who draws up a will.'

l. 9. fatigandi] 'are to be brought under,' 'repressed;' an elegant use of the word. See I § 88 *qui verbis fatigat*, Top. § 74 *verberibus, tormentis, igni fatigati*. Nonius p. 310 explains it by coërcere, cohibere.

l. 10. L. Minucii Basili] Not further known, perhaps Sulla's *legatus*, Plutarch Sulla c. 9.

l. 12. e Graecia Romam attulerunt] quia in Graecia mortuus erat. Valer. Max. IX 4. *H.*

quod quo facilius obtinerent] 'to retain their hold of it more easily,' de leg. III § 33 *in ista sum sententia, nihil ut fuerit in suffragiis voce melius, sed obtineri an possit videndum est*, de fin. II § 71 *non metuet autem, sive celare potuerit sive opibus magnis, quidquid fecerit, obtinere*, where see Madvig. Cp. Mayor n. to Cic. Philipp. II § 3 l. 10.

l. 13. scripserunt heredes secum] 'made joint-heirs with themselves.' It was a common manœuvre with will-forgers to associate, for the furtherance of their fraudulent design, the names of some eminent persons with their own.

l. 14. Crassum] the triumvir, I § 25.

Q. Hortensium] the celebrated orator.

l. 15. cum illud—repudiaverunt] 'although they suspected it to be a forgery, yet being conscious of no moral guilt in the matter, they did not spurn the paltry present, procured by other people's villany.' On the meaning of *culpa* see Kühner n. to Tusc. III § 34 *videt malum nullum esse nisi culpam; culpam autem nullam esse, cum id, quod ab homine non potuerit praestari, evenerit*, ep. ad fam. IX 16 *nihil esse sapientis praestare nisi culpam* (ἁμάρτημα ἴδιον).

l. 17. munusculum] ironical diminutive, used with contempt, see note to I § 43, II § 56 l. 7, III § 89 l. 14.

satin est hoc, ut] 'is this (i.e. the fact of their not having had any share in forging the will) sufficient to absolve them from being thought to have done wrong? No; in my opinion it is not; though I always loved one of them (Hortensius, II § 57), while he lived, and am no enemy to the other, now that he is dead and gone.' Cicero's liking for his rival Hortensius is attributed by Cornelius Nepos (vit. Att. 5) to their common friendship with Atticus *ut intellegi non posset, uter eum plus diligeret, Cicero an Hortensius: et id, quod erat difficillimum, efficiebat, ut inter quos tantae laudis esset aemulatio, nulla intercederet obtrectatio essetque talium virorum copula*. Hortensius after the coalition of Pompey with Caesar and Crassus (B.C. 60) withdrew from public life and confined himself to his duties as an advocate; he died B.C. 50. Once only after his retirement did he appear in public, viz. B.C. 55, to oppose the sumptuary law of Pompey and Crassus, the repeal of which he obtained. For Cicero's sentiments towards Crassus see ep. ad fam. I 9, 20 *cum me disputantem, non lacessentem laesisset, exarsi non solum praesenti, credo, iracundia,—sed cum inclusum illud odium multarum eius* (Crassi) *in me iniuriarum, quod ego effudisse me omne arbitrabar, residuum tamen insciente me fuisset, omne repente apparuit*. The origin of their enmity was that Cicero had charged him with complicity in the Catalinarian conspiracy, Plut. Crass. 13, Sallust Cat. 48. Besides Crassus was on terms of friendship with Clodius, Cicero's bitterest enemy, and had prevented his condemnation (ad Att. I 16, 5), and therefore had neither opposed Cicero's banishment nor worked for his return. Still Crassus sought to be reconciled with Cicero after his return (Plut. Cic. 33), and an apparent reconciliation took place between them before Crassus' departure for Asia: ad fam. ibid. *cum Pompeius ita contendisset, ut nihil umquam magis, ut cum* Crasso *redirem in gratiam,—habui non temporum solum rationem meorum, sed etiam naturae*, Crassusque, *ut quasi testata populo Romano esset nostra gratia, paene a meis Laribus in provinciam est profectus*.

§ 74, l. 20. sed] § 64 l. 2.

M. Satrium] called after his adoption M. Minucius Basilus Satrianus. He was a confederate of Antonius, spoken of contemptuously by Cicero Phil. II § 107 as *patronus* of Italian townships: *vexavit* (Antonius) *Puteolanos, quod C. Cassium et Brutos patronos adoptassent. Magno quidem studio, iudicio, benevolentia, caritate, non ut te* (sc. Antony) *et* Basilum *vi et armis et alios vestri similes, quos clientes nemo habere velit, non modo illorum cliens esse*. He is doubtless a different man from the L. Minucius Basilus, who served as legatus of Caesar in his Gallic wars and is spoken of as one of his murderers by Appian II 113, Cic. ad fam. VI 15.

l. 21. nomen suum ferre] sc. by adoption.

l. 22. o turpem notam temporum nomen illorum is the reading of

the MSS. But Cicero cannot possibly have meant to speak of the name *Basilus* (βασιλεύς) (which was common in the *gens Minucia*, as Rex and Regulus in other families) as a *turpis nota temporum*, the worst he could see in it was a *malum omen*. *Nomen illorum* is evidently a comment introduced by some scribe, who did not understand that the exclamation refers to the preceding *patronum agri Piceni*. It is a disgrace that states, who enjoyed the Roman *civitas*, should choose a *patronus*, like conquered people (I § 35), and, in Cicero's view, that they should choose such men as Antony and Satrius, rather than Brutus and Cassius. Moreover *illorum* cannot be right, because, as Satrius was still *patronus* at the time when Cicero wrote this, he must have written *temporum horum*.

l. 25. **defendit**] 'wards off,' 'resists,' the proper meaning of the word, cp. Hor. Sat. I 7, 13 *toga quae defendere frigus, quamvis crassa, queat*, Zumpt Gramm. § 469.

l. 26. **in primo libro**] § 23. Cp. note to II § 43, Zumpt Gr. § 481 on the preposition.

l. 27. **qui non modo non repellit, sed etiam adiuvat ini.**] 'who, so far from repelling, even furthers the wrong,' cp. I § 62 *non modo enim id virtutis non est sed est potius immanitatis*, § 71 *non modo non laudi sed etiam vitio dandum puto*, ep. ad Att. III 15, 2 *dies autem non modo non levat luctum hunc, sed etiam auget*.

l. 29. **verae**] 'real,' 'genuine,' i.e. not gained by forgery of fictitious wills.

l. 30. **malitiosis**] 'knavish,' 'deceitful,' because the rightful heir is thereby ousted, § 61 l. 11.

officiorum non veritate sed simulatione] 'not by sincere but by simulated attentions.' Cp. pro Rosc. Am. § 112 *officio simulato*.

P. 122, § 75, l. 1. regula] viz. right reason, § 20 *formula*.

ab hoc nulla fraus aberit] 'he is capable of any kind of roguery.'

l. 2. **istuc**] i.q. *istud*, 'what you say.' Zumpt Gramm. § 132.

l. 4. **fraudium**] the same form occurs in Pis. § 44, cp. *laudium* Phil. II § 28, *immunitatium* ib. § 35, Zumpt Gr. § 66 c.

CHAPTER XIX

l. 5. **si digitis concrepuerit**] 'by snapping his fingers.' A proverbial phrase for 'expressing the slightest wish,' as *digitis concrepare* was a common fashion instead of calling to a slave. Cf. Tibullus I 2, 34 *et vocet ad digiti me taciturna sonum*, Martial III 82, 15 *digiti crepantis signa novit eunuchus*, Cic. de leg. agr. II § 82 *primo quidem acres, ad vim prompti, ad seditionem parati, qui, simul ac decem viri concrepuerint, armati in cives et expediti ad caedem esse possint*. Cp. § 75.

l. 7. **inrepere**] 'creep,' 'slip surreptitiously into,' ὑποδύεσθαι. Cp. pro Arch. § 11 *cum ceteri in eorum municipiorum tabulas inrepserint*.

l. 10. **dares**] i.q. *si dares*, 'only give' § 54 l. 26, Hor. sat. I 3, 15. See Zumpt Gr. § 780. Professor Kennedy Gr. p. 468 n. thus comments on the use of tenses in this passage. 'The first sentence suggests a case which (though imaginary and really impossible) Cicero, by a fabulist's license, is entitled to represent as possible. The second falls into the construction *sumptio ficti*, because Crassus was dead at the time, and the condition, therefore, is a bygone possibility. Why then is not the construction of the double pluperfect conjunctive used? Is it that the floating period of Crassus' public life is contemplated: or that Cicero, taking Crassus as a mere type of unscrupulous greed, uses a form which includes an imaginary future as well as an imagined past. Cp. Hor. Od. IV 8, 20 *neque, si chartae sileant quod bene feceris, mercedem tuleris; quid foret Iliae Mavortisque puer, si taciturnitas obstaret meritis invida Romuli?*'

hanc vim—ut] § 72 l. 34.

M. Crasso] § 73. He was celebrated for his wealth and rapacity, I § 25. Cp. Parad. VI § 43 *si cotidie fraudas...si testamenta amicorum ne expectas quidem atque ipse supponis*.

digitorum percussione] 'by a snap of the fingers' § 78. Gibbon in the celebrated 44th chapter of his *History of the Decline and Fall of the Roman Empire* has strangely misunderstood the meaning of these words when he takes them literally as one of the judicial formularies in the *cretio hereditatis*:—'The manumission' he writes 'of a son or slave was performed by turning him round with a gentle blow on the cheek;......the clenched fist was the symbol of a pledge or deposit; the right hand was the gift of faith and confidence. The indenture of covenants was a broken straw; weights and scales were introduced into every payment, and the heir who accepted a testament was sometimes obliged to snap his fingers, to cast away his garments, and to leap and dance with real or affected transport.'

l. 11. **qui re vera non esset heres**] concessive subjunctive, 'although he was not really heir.'

l. 12. **in foro—saltaret**] 'he would, I warrant you, dance in the forum,' i.e. he would be guilty of any extravagant and outrageous conduct, could he but fill his coffers. The Romans regarded dancing as the act of a drunkard or madman, pro Mur. § 13 *nemo fere saltat sobrius nisi forte insanit, neque in solitudine neque in convivio moderato atque honesto*, Nep. Epam. 1, 2 *scimus enim musicen nostris moribus abesse a principis persona, saltare vero etiam in vitiis poni*. The great operatic performers were from Greece, Pylades, Bathyllus, Mnestor. Vide Smith's *Dict. Ant.* s. v. *saltatio*.

in foro] § 93, I § 145 *sed ea quae multum ab humanitate discrepant, ut si qui in foro cantet aut si qua est alia magna perversitas*, or. Philipp. II § 56 *hominem omnium nequissimum, qui non dubitaret vel in foro alea ludere*.

l. 13. **sentimus**] I § 124 *talem solemus et sentire bonum civem et dicere*, Madv. de fin. II § 6 p. 146.

l. 14. **quod in se transferat**] final subjunctive with relative.

l. 15. **hoc**] i.e. the appropriating to oneself the property of others.

admiratur] 'admires,' 'respects,' as II § 56 *admiremur*. *Admirabile* is employed in this sense Inv. I 15, 20.

l. 16. **fateatur**] Kenn. Gr. p. 338.

§ 76, l. 17. si qui] I § 144 l. 15, III § 19.

animi sui complicatam notionem evolvere] 'to unfold the idea of a good man which is wrapt up in his mind,' Tusc. IV § 53 *notionem nostram, quam habemus omnes de fortitudine, tectam atque involutam*. This idea (*notio*) originally formed by nature in the mind, previous to knowledge and experience, requires to be brought out (*explicari* § 81) by education and training, to bring forth that which is already latent in the mind. So Cicero Top. § 31 defines *notio* (ἔννοια, πρόληψις) to be *insita et praecepta cuiusque cognitio enodationis indigens*.

iam se ipse doceat] 'he would then at once, without going further,

tell himself.' Observe the elegant use of *iam* for *tum certe*, *sine dubio*, on which see Kühner n. to Tusc. I § 98 'significat ex antecedentibus verbis sententiam aliquam sponte prodire respondetque graecis particulis ἤδη et δή, quae eadem vi saepe in apodosi usurpantur.' Cp. Hand Tursell. III p. 116.

l. 19. **noceat nemini nisi cet.**] I § 20.

quid ergo] above § 61.

hic non noceat] 'would not he be guilty of harm?' i.e. he is surely guilty of harm, Zumpt Gramm. § 530, so below *non igitur faciat*, where Zumpt observes 'Quaeritur sic ut cogitetur: facere vero debet.'

l. 20. **quodam quasi veneno**] 'by a kind of magic spell,' orat. § 129 *subito assedit, cum sibi venenis ereptam memoriam diceret*, Hor. Od. II 13, 8 *venena Colcha*.

l. 21. **moveat**] sc. *loco suo*, 'displace.'

non igitur faciat] 'is he not then to do?'

l. 23. **nihil nec—nec**] On *nec—nec* partitively used after the general *nihil* see note to I § 66 l. 32 and cp. III § 36 l. 26, Hand Tursell. IV 131, Roby Gr. II 2246, Zumpt Gr. § 754, Cic. de rep. I § 11 *nihil nec didicisse umquam nec docere*, pro Rosc. Am. § 78 *hoc nihil neque acerbius neque iniquius proferri potest*.

§ **77**, l. 24. **Fimbriam**] C. Flavius Fimbria, colleague of Marius in his second consulship B.C. 104, was killed in the civil wars between Marius and Sulla. He is called *consularis* here to distinguish him from the Caius Fimbria, lieutenant to Lucius Flaccus when proconsul of Asia, whom he killed B.C. 85, and a year afterwards committed suicide, being conquered by Sulla. See Brut. § 129 *C. Fimbria—habitus est sane, ut ita dicam, truculentus asper maledicus, genere toto paulo fervidior atque commotior, diligentia tamen et virtute animi atque vita bonus auctor in senatu. Idem tolerabilis patronus nec rudis in iure civili et cum virtute tum etiam ipso orationis genere liber: cuius orationes pueri legebamus, quas iam reperire vix possumus.*

l. 27. **cum is sponsionem fecisset**] 'after he had laid a wager, to be forfeited if he did not prove that he was *vir bonus*.' Under the formulary system (§ 60 l. 29 note) as Gaius says (IV § 91) *in rem actio duplex est: aut enim per formam petitoriam agitur aut per sponsionem.* By the former the plaintiff claimed the property as his own; by the *sponsio* a sort of judicial wager was entered into called a *stipulatio pro praede litis et vindiciarum*, as a preliminary proceeding with a view to obtaining a decision on the case. One of the forms has been preserved by Gaius (IV § 93)—*Si homo, quo de agitur, ex iure Quiritium meus est,* XXV *numos dare spondes?* —to which the *adversarius* replied *spondeo*. When the *sponsio* was made by one party, it was termed *sponsio praeiudicialis*, and was adopted merely as a convenient form of bringing the matter to an issue, the sum not being exacted if the plaintiff was successful, Ramsay, *Rom. Ant.* p. 283.

l. 29. **si contra iudicavisset**] Had Fimbria been speaking in the first person, he would have said, *si contra iudicaverim:* hence in the oblique we have *si contra iudicavisset*, § 45 l. 2, Kenn. Gr. p. 485.

l. 30. **statuisse videretur**] 'should seem to have pronounced somebody to be a good man, when such a character is, as he said, made up of such an infinity of duties and praiseworthy qualities.'

aliquem] cp. I § 35 *aliquam rem publicam haberemus*, III § 118 *aliquo modo*.

l. 31. **huic viro bono**] i.e. tali bono viro.

l. 32. **quem Fimbria etiam—noverat**] i.e. such as even a man of the world, like Fimbria who was no philosopher, conceived, let alone Socrates.

non modo Socrates] § 11, P. S. Gr. p. 326 *c*.

l. 34. **non modo facere, sed ne cogitare quidem**] The negative in *ne quidem*, when followed by a common predicate (as here *audebit*), often extends its influence over a preceding clause, beginning with *non modo*. Key Gramm. § 415, Zumpt Gramm. § 724 *b*, P. S. Gr. p. 326 *b*, Madvig Gr. § 461 *b*. Translate: 'such a man will not venture not merely to do but even to conceive anything which is not morally right.'

l. 36. **haec non turpe**] 'is it not scandalous that philosophers should be in doubt about matters which even peasants admit?' An interrogative meaning may, in direct speech, be given to a proposition by its mere tone, viz. when a question at the same time conveys the idea of surprise or astonishment, Zumpt Gr. § 351 *n*. On the construction *dubitare haec* for *dubitare de his rebus* see Zumpt Gr. § 385.

P. **123**, l. 2. **quicum—mices**] 'to play at odd and even with,' § 90 l. 25. Sueton. div. Aug. 13 *alios, patrem et filium, pro vita rogantes sortiri vel micare iussisse, ut alterutri concederetur.* The word *micare* was applied to a simple game of the Romans which is still common enough among their descendants and called *la morra*, in French *la mourre*. The game is this: of two persons one, at a given signal, quickly opens any number of his fingers. At the same moment the other endeavours to match his opponent by opening the same number. In the light, of course, each could see, as soon as it was done, whether the guess was right. In the dark, honesty would be the only check to deception: hence to play with a man in the dark implied full confidence in him. See note by Sir J. G. Wilkinson in Rawlinson's Herodotus I ch. 95. *Quicum* (i.q. *quocum=ut cum eo*) is generally used by Cicero, when the subject or person is indefinite, I § 37 *eum quicum bella geras*. [Cp. Fronton. ep. ad Marcum Caesarem I³ (p. 24 ed. Niebuhr) *aliud scurrarum proverbium:* en cum quo in tenebris mices. J. E. B. M.]

l. 4. **nullo refellente**] 'without any one being able to prove it against you.' *Refellere* is used without an object as in de orat. II § 9 *in quo liceat mihi fingere, si quid velim, nullius memoria iam refellente*.

obtinere] § 73 l. 12.

§ **78**, l. 5. **videsne**]=nonne vides, § 68 l. 20.

Gygi illi] § 38.

l. 6. **paulo ante**] § 75.

digitorum percussione] 'with a snap of his fingers,' § 75.

l. 7. **converrere**] 'to sweep together to himself.' Cp. Hor. Od. I 1, 10 *quidquid de Libycis verritur areis*. So, with a play of words upon his name, Cicero says of Verres act. II 2 that he went *ad everrendam provinciam*, 'to sweep the province clean.' The metaphor is borrowed from a 'broom,' or from a 'drag-net' called *verriculum*.

l. 10. **adversante natura**] 'against the dictates of nature.' Cp. the proverb *invita Minerva* I § 110.

CHAPTER XX

§ **79**, l. 11. **at enim**]=ἀλλὰ νὴ Δία in Greek, 'but it will be said,' introducing an opponent's objection, which must be answered, as I § 144, III § 76, § 105, Hand Tursellinus I p. 446, Madvig Gr. § 437 c, Roby Gr. II 1623, Kenn. Gr. p. 319.

l. 12. **C. Marius**] postea septiens consul, Sallust Iug. c. 63.

l. 13. **septimum annum**] The usual interval between the Praetorship and Consulship was three years, as in the case of Cicero himself.

l. 14. **iaceret**] 'remained in obscurity,' the usual phrase for those aspirants to public offices who allowed more than the ordinary time to elapse before their attainment of the next highest dignity, II § 59 l. 24, III § 46, ad Quint. fr. III 2, 3 *consules comitia habere cupiunt, rei nolunt et maxime Memmius, quod Caesaris adventu se sperat futurum consulem, sed mirum in modum iacet*, pro Mur. § 17 *qui—iacebant*= 'were yet *ignobiles*,' ib. § 45 *iacet, diffidit, abiecit hastas.*

l. 15. **Metellum**] The Metelli were an eminent plebeian family at Rome, eight of whom were distinguished consuls:—(1) Q. Caecilius Metellus B.C. 207: (2) Macedonicus, his son, B.C. 143 (I § 87): (3) Balearicus, son of No. 2, B.C. 123: (4) Dalmaticus, nephew of No. 2, B.C. 119: (5) Caprarius, son of No. 3, B.C. 113: (6) Numidicus, nephew of No. 2, B.C. 109: (7) Nepos, son of No. 3; (8) Creticus, grandson of No. 4. The Metellus mentioned in this passage was Q. Caecilius Metellus L. F. who had the *agnomen* of Numidicus from his victory over Jugurtha in Numidia. Cp. Ovid Fasti I 593 *Africa victorem de se vocat: alter Isauras | aut Cretum domitas testificatur opes; | hunc Numidae faciunt, illum Messana superbum*, Martial II 2 *Creta dedit magnum; maius dedit Africa nomen, Scipio quod victor quodque Metellus habet.* For the fact here related see Sall. Iugurth. 64.

l. 17. **ab eo—Romam missus esset**] According to Sallust l. c. Metellus had given leave to Marius to return home at his own suit, and moreover had provoked him by his sneers. So Plutarch. Mar. 8 *σὺ δὴ καταλιπὼν ἡμᾶς, ὦ γενναῖε, πλεῖν ἐπ' οἴκου διανοῇ καὶ παραγγέλλειν ὑπατείαν; οὐ γὰρ ἀγαπήσεις, ἂν τῷ ἐμῷ παιδὶ τούτῳ συνυπατεύσῃς; ἦν δὲ ὁ παῖς τότε τοῦ Μετέλλου παντάπασι μειράκιον.*

l. 18. **ducere**] i.e. *producere, trahere*, 'that he was protracting.' *Illum* refers of course to Metellus, although the simple pronoun of reference *eum* had been used in speaking of him before in the same sentence: the reason is, that another subject intervenes viz. *populum Romanum*, hence the necessity for a more distinct reference in mentioning Metellus.

l. 19. **si—fecissent**] For tense see § 77 l. 29 n.

l. 20. **redacturum**] Sall. l. c. represents Marius as saying *dimidia pars exercitus si sibi permitteretur, paucis diebus Iugurtham in catenis habiturum, ab imperatore consulto trahi, quod homo inanis et regiae superbiae imperio nimis gauderet.*

l. 22. **qui—adduxerit**] causal subjunctive, to which *esset* in the next clause is assimilated.

cuius legatus esset] This is repeated for the purpose of marking more strongly the impiety of the act *laesio mandati*. It was considered as a breach of piety for a former *legatus* to appear as a witness in a court of justice against his *imperator*.

§ **80**, l. 24. **ne noster quidem Gratidianus**] i.e. *ne noster* ('my relative') *quidem Marius, nempe Gratidianus*, § 67. M. Marius Gratidianus, son of M. Gratidius, adopted son of a brother of the famous Marius (de leg. III § 36). He was praetor B.C. 86 and for the second time B.C. 82. His *edictum* concerning the coinage (see below note to l. 27) made him very popular, so that statues were raised in all the public places to the author of so beneficent a reform, and almost divine honours were paid to these statues by burning incense and wax tapers before them.

Sulla visited him with cruel retribution for this popularity. He was a formidable political adversary, and in the eyes of the aristocratic party he had committed a veritable crime in assailing a right of the State to alter the value of the coinage. As soon therefore as the dictator entered Rome, all the statues of Gratidianus were overthrown, and he himself proscribed and cruelly murdered, Cic. de pet. cons. § 10, Seneca de ira III 18, Lucan Phars. II 174 ff.

l. 26. **adhibuissent**] sc. *in consilium*, 'had summoned to counsel,' 'consulted,' I § 147 *adhibere doctos homines et quid his placeat exquirere.*

ut res numaria—constitueretur] 'in order that the currency might have its value defined and settled,' 'its standard fixed by a joint resolution.' The *lex Flaminia*, passed at a great crisis of peril to the Republic, when Hannibal was now at the gates of the city, suddenly reduced the silver *denarius*, which became from that time the true standard of value, from $\frac{1}{72}$ to $\frac{1}{84}$ of a pound. It was this law which established the false principle of regarding gold and silver coinage merely as a conventional sign of value, subject to the will of the sovereign or the state. By means of the theory of the *money-sign* the monied oligarchy of Rome produced grave perturbations in the monetary system by falsifying the coins. In each successive issue of *denarii* there was a larger and larger proportion of plated pieces (i.e. of money containing only a thin coating of the true metal over copper or iron), until B.C. 91 M. Livius Drusus caused the Senate to pass a decision that in future issues there should be one plated copper *denarius* to seven of silver. A few years later, in Cinna's time, the value of the coinage had become so dubious that no one knew what he was worth (*quid haberet*). In B.C. 84 the tribunes of the people and the praetors deliberated on the measures to be taken in order to remedy this deplorable state of things. An edict of the praetors instituted officers for the verification of the coinage, suppressed the enforced circulation of the plated *denarii*, ordered that they should be withdrawn from the public coffers and that *denarii* of a true standard should be given in exchange. See an excellent Article on Money in Greece and Rome in the *Contemporary Review*, Feb. 1879, by François Lénormant, pp. 504—523.

l. 27. **iactabatur**] 'was in an unsettled state,' 'fluctuated.' Cp. Pliny h. n. XXXIII 9, 46 *miscent aera falsae monetae: alii e pondere subtrahunt, cum sit iustum* LXXXIV *e libris signari. Igitur ars facta denarios probare tam iucunda plebei lege ut Mario Gratidiano vicatim totas statuas dicaverit. Mirumque, in hac artium sola vitia discuntur et falsi denari spectatur exemplum pluribusque veris denariis adulterinus emitur.*

l. 29. **communiter**] i. q. *de communi sententia*, 'by the combined judgment of the tribunes and praetors.'

edictum cum poena atque iudicio] 'with a penalty and public trial in case of infringement.' Cp. Verr. I 42, 108 *Cornelia* (*lex*) *numaria, ceterae complures, in quibus non ius aliquod novom populo constituitur, sed sancitur, ut, quod semper malum facinus fuerit, eius quaestio ad populum pertineat ex certo tempore.*

l. 30. **escenderent**] i. q. *ascenderent.*

l. 31. **et ceteri quidem**] 'and while all the rest departed, some one way and some another, Marius Gratidianus went straight to the *rostra* (without waiting for the hour appointed) and by himself gave out what had been by common consent agreed upon among them.'

alius alio] sc. *se contulerunt.*

ab subselliis] sc. *tribunorum*. The *tribuni plebis* sat on *subsellia*,

not curule chairs or tribunals, not being curule magistrates. In the divin. in Caec. 15 Cicero speaks of a low advocate, as being *ab subselliis*, i.e. coming from the inferior courts, which were presided over by the praetors. See Halm *ad l.*

l. 32. recta] sc. via se contulit, ep. ad Att. IV 5, 3 *tu de via recta in hortos.*

l. 33. si quaeris] 'if you ask me,' 'if you want to know' i.q. *ut verum dicam, non diffiteor:* ep. ad fam. VII 1, 2 *omnino, si quaeris, ludi apparatissimi, sed non tui stomachi*, de sen. § 65 *sunt morosi et anxii et iracundi senes, si quaerimus, etiam avari*, de or. II § 254. The phrase apologises for a possibly superfluous statement, P. S. Gr. p. 475, 6.

l. 34. statuae] Plin. h. n. XXXIV 6, 12 *statuerunt et* (statuas) *Romae in omnibus vicis tribus Mario Gratidiano, ut diximus, easdemque subvertere Sullae introitu*, Seneca de ira III 18 *M. Mario, cui vicatim populus statuas posuerat, cui* [*in cuius honorem*] *ture ac vino supplicabat, L. Sulla praefringi crura, erui oculos, amputari manus iussit.*

ad eas tus, cerei] 'by them (i.e. the statues) frankincense and tapers were burned.' **cereus**] 'a wax light,' Plaut. Curc. I i 1 *tute tibi puer es, lautus luces cereum*, i.e. 'you wait upon yourself and carry your own light before you after bathing.' *Cerei* were frequently sent as presents on the *Saturnalia* by the poorer clients to their patroni. Hence Martial V 18:—

> *quod tibi Decembri mense, quo volant mappae,*
> *gracilesque ligulae cereique chartaeque.*

quid multa?] sc. *commemoro*, i.e. ut paucis dicam, § 59 l. 19.

multitudini carior] cp. de pet. cons. § 10 *M. Marius Gratidianus, homo carissimus populo Romano a Catilina caesus et crudelissime occisus.*

§ **81**, **l. 36. non ita magnum**] i.e. 'not so very great,' II § 19 *neque ita multo post*, Brut. § 244 *non ita multos*, orat. § 59 *rarus incessus nec ita longus*, de nat. deor. I § 86 *quibus—non ita valde moventur*, Brut. § 233 *non ita diu*, Hor. Sat. II 6, 1 *hoc erat in votis, modus agri non ita magnus*, Madvig Gr. § 462 *a*.

P. 124, **l. 2. consulem fieri**] But he was cruelly killed by Sulla before he attained the object of his ambition, see above l. 24 note.

l. 3. omnium] neut. 'for all cases.'

l. 7. illum—hunc] C. Marius—Gratidianus.

l. 9. excute] 'sift,' 'examine:' metaphor from shaking out a bag, cp. § 76 *complicatam evolve intellegentiam*, orat. part. § 124 *explicando excutiendoque verbo.*

[species] forma et notio] See crit. notes. It is impossible to say which of the two words *species* or *forma* is to be ejected. They are both used as equivalents to the Platonic εἶδος or ἰδέα: Tusc. I § 58 *quod semper tale sit, quale ἰδέαν appellat ille, nos speciem*, Top. § 30 *in divisione formae sunt, quas Graeci εἴδη vocant, nostri—species appellant, non pessime id quidem, sed inutiliter ad mutandos casus in dicendo. Nolim enim, ne si Latine possit quidem dici, specierum* et *speciebus dicere,—at formis et formarum velim*, Madvig opusc. acad. I p. 337.

l. 10. cadit in] 'does it suit, fall in with the character of?' § 14 *nec praeter sapientem cadere in quemquam potest*, § 17 *quod in nostram intellegentiam cadit.*

mentiri—criminari] as did Caius Marius in his conduct towards Me-

tellus. **praeripere, fallere**] as did Gratidianus in his conduct towards his fellow-praetors and the tribunes of the Commons.

§ **82**, **l. 13. ut—amittas**] 'that you should part with the unsullied glory and name of an honest man for it.'

l. 16. quantum auferre] sc. *potest.*

l. 18. hominis figura] i.e. *cum sit hominis figura* 'with the outside and figure of a man,' the ablative of quality where the genitive *hominis* takes the place of an adjective, Madvig Gram. 257, *obs.* 5. So § 32 *sic ista in figura hominis feritas et immanitas belluae.* Heine compares p. Mil. § 24 *quae quemvis etiam mediocrium delictorum conscientia perculissent*, Caesar B. G. VI 28 *hi sunt specie et figura et colore tauri.*

CHAPTER XXI

l. 20. quid?] An anticipatory question, 'what will you say to this?' cp. II § 76 l. 7, § 80 l. 18.

l. 21. dum modo] 'provided that.'

l. 22. is, qui etiam socerum habere voluit] Pompeius Caesarem, cuius e Cornelia filiam duxit uxorem, Iuliam A. V. 694 (A.C. 60), frustra Catone clamitante, regnum conciliari nuptiarum lenociniis, σφόδρα μαρτυρομένου Κάτωνος καὶ βοῶντος οὐκ ἀνεκτὸν εἶναι γάμοις διαμαστροπευομένης τῆς ἡγεμονίας καὶ διὰ γυναίων εἰς ἐπαρχίας καὶ στρατεύματα καὶ δυνάμεις ἀλλήλους ἀντεισαγόντων, Plutarch. in Iul. Caes. c. 14, Cato min. c. 31, Pompei. c. 47, Sueton. Iul. Caes. 21, 50. Ipse Pompeius non minus cupidus in se et patriam armaverat Caesarem tum, cum iterum consul A. V. 698 operam daret ut Caesari Galliarum administratio in alterum quinquennium prorogaretur. BEIER

l. 23. esset] final subjunctive after *cuius=ut eius.*

l. 24. alterius invidia] 'by the unpopularity of another,' sc. Caesar who incurred much of the odium of Pompey's acts, as member of the triumvirate.

l. 27. versus de Phoenissis]=v. ex Phoenissis sumptos; 'verses from the *Phoenissae* of Euripides,' v. 524 εἴπερ γὰρ ἀδικεῖν χρή, τυραννίδος πέρι κάλλιστον ἀδικεῖν, τἆλλα δ' εὐσεβεῖν χρεών. For this use of *de* instead of *ex*, cp. de rep. I § 30 *illa de Iphigenia Achillis*, Tusc. III § 53 *hi poterant omnes eadem illa de Andromacha deplorare*, de nat. deor. I § 18 *Platonis de Timaeo deum*, de orat. III § 141 *versum quendam de Philocteta paulo secus dixit*, where, however, Baiter reads *Philoctetae.*

l. 28. dicam ut potero cet.] 'I will express, as well as I can, it may be awkwardly, but still so as to make their sense intelligible.' For *dicam* cp. de orat. III § 141 quoted to l. 27.

incondite] or. § 150 *quamvis suaves gravesve sententiae, si inconditis verbis efferuntur, offendunt aures.*

P. 125, **l. 1. capitalis**] 'criminal,' 'deserving capital punishment,' I § 41, II § 73. Eteocles was king of Thebes and brother to Polynices, both of them sons of Oedipus by Iocasta his own mother. They agreed to reign by turns, Eteocles began first, but when his year was out, would not resign to Polynices. Hence arose a war, in which the two brothers killed one another. Beier and Heine ed. 5 are probably right in eliminating the words *Eteocles vel potius Euripides*, as the word *capitalis* evidently is aimed at Caesar.

qui exceperit] 'for having exempted,' causal subjunctive, § 79 l. 22.

l. 2. sceleratissimum] i.e. patriam servitute opprimere. *H.*

quod—fuerit] II § 84.

§ 83, l. 2. minuta] 'crimes on a small scale.'

l. 4. ecce tibi, qui] 'here you have a man,' 'here is a man for you.' Julius Caesar bore the invidious name of *Rex*. Suetonius tells us (c. 80) that the following lines were written beneath his statue in the forum:—

Brutus, quia reges eiecit, consul primum factus est;
hic, quia consules eiecit, rex postremo factus est.

Plutarch Anton. c. 6, *ἦγε δ' αὐτὸν ἐπὶ πάντας ἀνθρώπους ἔρως ἀπαρηγόρητος ἀρχῆς καὶ περιμανὴς ἐπιθυμία τοῦ πρῶτον εἶναι καὶ μέγιστον.* For this use of the dativus ethicus, or of the person interested in a statement in lively or ironical expressions, see Madvig Gr. § 248, Roby Gr. II 1150 and cp. de orat. II § 94 *ecce tibi exortus est Isocrates*, in Pison. § 48 *ecce tibi alter.*

l. 5. idque] sc. *quod concupierit.*

l. 7. taetram et detestabilem] I § 120 *naturae suae non vitiosae genus.*

l. 10. id facere] sc. *regnare*, 'to be king,' I § 4 n.

obiurgatione—convicio] 'remonstrance—reproach.' On the meaning of *convicium* consult a note in Mr Reid's excellent edition of the *pro Archia* § 12 l. 21.

l. 11. coner] dubitative conjunctive § 60, § 68, Kenn. Gr. p. 339.

l. 14. Parens] Caesar had the title *pater patriae* bestowed upon him after the battle of Munda (B.C. 45) to the great chagrin of Cicero, who prided himself that the title became himself only. After Caesar's death Antonius allowed the words *parenti optime merito* to be placed under his statue in the forum (ad fam. XII 3) and the people erected to him a column in Numidian marble 20 feet high with the inscription *Parenti patriae*, Sueton. div. Iul. c. 85.

l. 15. dirigenda] 'is to be measured by,' 'ought to have for its standard.'

l. 16. discrepare] i. q. *dissonare*, I § 145 l. 18, de fin. IV § 60 *quid attinuit cum iis, quibuscum re concinebat, verbis discrepare?* de nat. deor. I § 16 *re concinere videntur, verbis discrepare.*

l. 17. unum sonare] i.e. *consonare, idem significare*, 'to have the same sound,' i.e. meaning; de fin. II § 6 *non intellegere interdum, quid sonet haec vox voluptatis, id est quae res huic voci subiciatur*, cp. Brut. § 259 *Colla sonabat subagreste quiddam*, Lucr. III 873 *sincerum sonere*, de rep. III 2 *inchoatum quiddam et confusum sonantes.*

§ 84, l. 17. non habeo] 'I cannot tell,' see note to II § 7 l. 15.

ad volgi opinionem maior] 'greater according to the vulgar or ordinary standard of thinking,' II § 47 l. 16.

l. 18. regnandi] sc. *utilitas.*

l. 19. ad veritatem—revocare] 'to bring back (from the popular standard) to the standard of truth,' de div. II § 66 *ad coniecturam revocantur.*

l. 21. angores—metus] I § 41.

l. 24. Accius] L. Accius (or Attius) the Roman tragic poet was born B.C. 172, and was fifty years younger than Pacuvius. Cicero, when young, frequently conversed with him (Brut. § 107). He wrote tragedies on some Roman subjects (*praetextatae*), but chiefly imitations from the Greek, which were admired for vigorous language and sublime thoughts,

pro Planc. § 59 *gravis et ingeniosus poeta*, pro Sest. § 120 *summi poetae ingenium*, Hor. Ep. II 1, 56 *aufert Pacuvius docti famam senis, Attius alti*, A. P. 259 *in Atti nobilibus trimetris*, Vell. I 17 *nisi aspera ac rudia repetas et inventi laudanda nomine, in Attio circaque eum Romana tragoedia est*, Quintil. X 1, 97 *tragoediae scriptores veterum Attius atque Pacuvius clarissimi gravitate sententiarum, verborum pondere, auctoritate personarum. Ceterum nitor et summa in excolendis operibus manus magis videri potest temporibus, quam ipsis defuisse. Virium tamen Attio plus tribuitur: Pacuvium videri doctiorem, qui esse docti adfectant, volunt.* See note on I § 114 and cp. I § 97, III § 102. The troch. tetr. catal. verse quoted in the text is taken from the *Atreus* or *Pelopidae* or *Clutemestra* (Ribbeck tragic. fragm. 651), according to Heine from the *Aegisthus.*

at cui regno?] sc. *iniqui atque infideles sunt*, 'but what kingdom was it that he was speaking of? why, one that was held by right, being transmitted from Tantalus and Pelops.' **proditum]**=per manus traditum, 'handed down.'

l. 25. nam quanto plures ei cet.] The train of thought seems to be this: *at cui regno? quod—iure obtinebatur. At alia huius regni causa est. Nam exercitu populi Romani populum ipsum Romanum oppressit. Quanto igitur plures ei regi* (sc. *Caesari*) *iniquos et infideles fuisse putas?* Translate: 'How many more (enemies) then must Caesar have had, when he made use of their own army to enslave the Roman people?' *Nam* is frequently thus used in an elliptical sentence, where the statement, for which a reason is given, is to be supplied mentally. See n. to II § 47, Kritz ad Sall. Iug. XIX 2. The allusion is to Caesar having employed the army intended for the subjugation of Gaul against his own country.

l. 27. gentibus imperantem] participle used adjectively, cp. II § 11 l. 22, § 15 l. 31.

§ 85, l. 28. quas conscientiae labes—censes habuisse] 'what failings,' 'misgivings,' of conscience must he have felt?' Cp. leg. II § 24 *nam illuvies vel adspersione aquae vel dierum numero tollitur: animi labes nec diuturnitate evanescere nec amnibus ullis elui potest.* The primary meaning of the word *labes* is 'a sinking, giving way of ground,' a 'landslip,' de divin. I § 78 *tantos terrae motus factos esse, ut multis locis* labes *factae sint terraeque desederint*, ib. § 97 *labe agri Privernatis*, Lucret. II 1149, *moenia mundi expugnata dabunt* labem. Hence its signification 'of any degrading fault,' 'corruption' de am. § 41.

l. 29. vulnera] cp. Tacitus ann. VI 6 *neque frustra praestantissimus sapientiae* (Socrates ap. Platon. Gorg. p. 524 E) *firmare solitus est, si recludantur tyrannorum mentes, posse aspici laniatus et ictus, quando ut corpora verberibus, ita saevitia, libidine, malis consultis animus dilaceretur*, Claudian in Rufin. II 504 ff. *en pectus inustae deformant maculae vitiisque inolevit imago, nec sese commissa tegunt.*

cuius autem vita cet.] 'now whose life can be beneficial to himself, if he hold it upon such terms, that whoever robs him of it is sure to rise to the greatest favour and glory?' Such was the case with Harmodius and Aristogiton, the murderers of Hipparchus son of Pisistratus, to whom statues and honours were decreed as to public benefactors. Cp. Philipp. I § 35 *si enim exitus C. Caesaris efficere non potest ut malis carus esse quam metui, nihil cuiusquam proficiet nec valebit oratio. Quem qui beatum fuisse putant, miseri ipsi sunt. Beatus est nemo, qui ea lege vivit, ut non modo impune sed etiam cum summa interfectoris gloria interfici possit.*

l. 32. quae maxima videntur] sc. *utilia esse.* He means absolute power.

CHAPTER XXII

P. 126, § 86, l. 3. quamquam] Adverbial, 'though indeed,' I § 30 l. 15, § 81 l. 25, II § 76 l. 10.

id] sc. *nihil esse utile, quod non honestum.*

saepe alias] See n. to § 47 l. 25.

l. 4. Pyrrhi bello] de nat. deor. II § 165.

a C. Fabricio et a senatu iudicatum est] h.e. *se ita iudicare significaverunt Fabricius et senatus.* Cp. Tusc. V § 61 *quamquam hic quidem tyrannus ipse iudicavit quam esset beatus*, i.e. as Kühner ad l. explains it, *satis demonstravit, quam beatum se esse iudicaret.*

l. 5. cum enim cet.] I § 40. On the use of *enim* see note to III § 50.

l. 6. bellum ultro intulisset] i. e. *eo iniuriarum progressus esset ut bellum inferret*, I § 40 l. 25. *Ultro* means originally 'to a place beyond,' as in the phrase *ultro et citro* I 56, hence 'in addition,' 'moreover,' 'going still farther,' 'beyond expectation,' and is so used when anything is done *proprio motu*, unasked, unchallenged, unprovoked, thus *ultro bellum inferre* is 'to commence hostilities without having sustained any previous injury,' 'to be the aggressor,' Roby Gr. II 2184. The common derivation of *ultro* 'willingly' from *uol-* 'wish,' is altogether indefensible.

l. 7. de imperio] i.e. uter imperaret: cp. I § 38 *sed ea bella, quibus imperii gloria proposita est, minus acerbe gerenda sunt.*

l. 8. perfuga] According to Aulus Gellius, N.A. III 8, who quotes from Claudius Quadrigarius the annalist the letter written by the Roman consuls Fabricius and Aemilius, the traitor was Nicias, a friend of Pyrrhus; according to Valerius Antias, it was Timochares an Ambracian; and so Valerius Maximus VI 5, 1 records, while Flor. I 18, 21, Dio Cass. fr. 40, 44 ed. Bekk. speak of him as ἀνήρ τις τῶν περὶ τὴν θεραπείαν τοῦ βασιλέως.

l. 9. proposuisset] i.q. *promisisset.* On the tense see § 77 l. 29.

l. 13. opinionem] 'popular opinion,' in opposition to veritas. Cp. § 11 and § 84 *ad vulgi opinionem.*

l. 15. sed magnum dedecus—superatum] sc. *fuisset;* translate 'but it would have been a lasting disgrace and scandal for one, with whom the struggle lay for glory, to have been overcome by an act of wickedness and not by valour.'

laudis certamen] i.q. certamen de laude, cp. I § 97 l. 23 note, § 87 l. 30 *honorum contentio.*

§ 87, l. 17. qui talis—fuit] because both bore the name of *iustus* III § 16.

l. 18. qui numquam utilitatem cet.] At fatetur alibi (cap. XI et hoc ipso capite) etiam senatum aliquando utilitatis specie deceptum esse. Est ille quidem deceptus, sed non ita, ut utile putaret, quod inhonestum fateretur, sed ut quod utile esset reipublicae, idem fieri posse salva honestate existimaret. *Z.*

l. 21. quoquo modo] 'in any way,' cp. I § 43 *quacumque ratione*, Madvig Gr. § 87 obs. 1.

l. 22. cum infamia] I § 40.

non igitur utilis cet.] 'therefore the proposal of L. Philippus, son of Quintus, was not expedient, viz. that the states, which by a decree of the senate Sulla had freed from taxation upon their payment of a sum of money, should be again made tributary and that we should not return them the money, which they had paid to purchase their exemption. The senate assented to his proposal. A disgrace to the empire.'

l. 23. L. Philippi] I § 108, II § 59, § 73.

l. 24. civitates] probably some Asiatic states wrested from Mithridates, who purchased exemption from taxes from Sulla, when in want of money to pay his troops.

l. 25. liberavisset] sc. vectigalibus, 'had exempted from being tributary,' cp. or. agr. I § 10 liberare *agros*, Verr. II 31, 76 liberet *Byzantios.*

vectigales] masc., cp. de orat. I § 58 Caesar b. g. IV 3, Liv. XXI 41 *an vectigalis stipendiariusque et servus populi Romani a patre relictu:.*

ut essent] the *ut* clause expands the pronoun *illa.*

l. 27. turpe imperio] sc. *hoc fuit Romano.*

piratarum enim melior fides] 'for the honour of freebooters is better than that of the senate,' because they dismiss their captives when ransomed without any further claims.

l. 28. at] i.q. *at enim* (§ 101), 'but, it may be said.'

vectigalia] The vectigalia, which were laid upon the provincials, were (1) *certa*, called *stipendia*, (2) *incerta*, dependent upon the season, of three kinds, (*a*) the tithes on the produce of the land (*decumae frumentariae*), (*b*) the customs or duties on exports and imports (*portoria*), (*c*) the rent paid for the public land let out as pasture (*scriptura*).

§ 88, l. 32. etiam] 'further,' I § 90.

cum Catone dissensi] i.q. a Catone, as if he had said non consensi.

l. 33. praefracte] 'obstinately.' **aerarium defendere**] 'to advocate the cause of the *aerarium.*'

l. 34. publicanis] 'the farmers-general of the revenue,' an important body in the Roman state, the monied men of the time; they belonged to the equestrian order. Their functions, says Long on Cic. ep. ad Qu. I 95, were the same as those of the French 'fermiers généraux' before the revolution of 1789 and the history of these 'fermiers généraux' is the best commentary that we can have on the Roman system. See or. pro Plancio § 23 *flos enim equitum Romanorum, ornamentum civitatis, firmamentum rei publicae publicanorum ordine continetur*, ep. ad Qu. fr. I 1, 12 *potes etiam id facere ut commemores* (sc. to the provincials) *quanta sit in* publicanis *dignitas, quantum nos illi ordini debeamus:—et ab eis hoc petas, ut facilitate sua nos eam necessitudinem, quae est nobis cum publicanis, optinere et conservare patiantur.* They underlet the collection of the revenue to persons called *decumani*, *portitores* (I § 150), *pecuarii*, according to the different kinds they collected. The *publicani* sometimes, when they had purchased the farming of the revenues at too high a rate, petitioned the senate to be let off their contract, or to have some reduction made in the terms, as on the occasion alluded to here (B.C. 61). Cato opposed them strenuously, insisting that they should be kept to their bargain, thereby disturbing the *ordinum coniunctio* or harmony between the senate who had the control of the business and the equestrian order to whom the *publicani* belonged; for many of the *equites* became alienated from the senate, and joined the party of Caesar through whom they obtained what the senate had refused (pro Planc. § 35, Sueton. Caes. c. 20, Dio Cass. 38, 7). Cicero refers to this incident in several places, pro Muren. § 62 *petunt aliquid* publicani, *cave quic-*

quam habeat momenti gratia: again ep. ad Att. I 17, 9 *Asiam qui de censoribus conduxerant, questi sunt in senatu se cupiditate prolapsos nimium magno conduxisse, ut induceretur* ('should be cancelled') *locatio postulaverunt: ego princeps in adiutoribus atque adeo secundus.—Invidiosa res, turpis postulatio et confessio temeritatis; summum erat periculum ne, si nihil impetrassent, plane alienarentur a senatu,* ib. 18, 7 *unus est qui curet constantia magis et integritate quam, ut mihi videtur, consilio aut ingenio,* Cato, *qui miseros* publicanos, *quos habuit amantissimos sui, tertium iam mensem vexat neque iis a senatu responsum dari patitur: ita nos cogimur reliquis de rebus nihil decernere, antequam publicanis responsum sit.*

l. 35. multa sociis] Cicero is here thinking of Cato's rough proceeding against Cyprus and its king Anletes, B.C. 58.

in hos] sc. socios.

l. 36. cum illis sic agere—soleremus] 'to deal with the former as we usually did with our own tenants,' to whom we remit a portion of their rent in bad years, see Plin. ep. IX 37.

soleremus] 'are wont, as I then stated in my speech', see note to II § 1.

P. 127, l. 2. male etiam Curio] sc. fecit. There were three eminent men of the name Caius Scribonius Curio, *avus, pater, filius,* Plin. h. n. VII 41, *una familia Curionum in qua tres continua serie oratores extiterunt.* The first (Curio pater) was a distinguished orator (*eloquentissimus temporibus suis* de orat. II § 98, Brut. § 122), who spoke against Servius Fulvius, when accused of incest. The second is the one referred to in the text and again II § 59. He was tribune of the plebs B.C. 90, and, after serving under Sulla in Greece, became praetor B.C. 82 and consul B.C. 76. At the expiration of his consulship he was made proconsul of Macedonia, where he carried the war against the barbarians as far north as the Danube, and celebrated a triumph over the Dardanians in 71 (in Pis. § 44). An intimate friend and supporter of Cicero, he entertained a personal enmity to Caesar, which was probably the cause why he spoke in favour of Clodius when accused of violating the *sacra* of the Bona Dea: in B.C. 57 he was made pontifex maximus. Cicero speaks highly of him as a man, (ep. ad Quint. fr. II 3, 2, in Vatin. § 24 *perpetuum hostem improborum omnium, auctorem publici consilii, libertate communi tuenda maxime liberum*), but he did not shine as an orator, *orator Latine non pessime loquebatur, sed erat indoctus, memoria nulla, actione ridiculus,* Brut. § 213, § 216—217, § 220. His son was also a friend of Cicero, the first seven letters of whose second book of *epistulae ad familiares* are addressed to him, but unlike his father, a profligate. He was married to Fulvia, who afterwards became Antony's wife. He was one of the main instruments in kindling the war between Caesar and Pompey and on the breaking out of the war served under Caesar and fell in battle against Juba and the Pompeian party.

l. 3. Transpadanorum] The Latin colonies in that part of Cisalpine Gaul which lay north of the Po, who, not content with the *ius Latii* given them after the Marsic war by the *lex Pompeia,* claimed but were refused the *ius civitatis.* which had been granted to the *Cispadani* and which they afterwards obtained from Caesar when dictator B.C. 49.

l. 4. potius doceret] a past imperative, 'he should rather have proved,' Zumpt Gr. § 529 n., Kenn. Gr. p. 340, Madvig Gramm. § 351 b. 4, Roby Gr. II 1604, cp. in Verr. V 23 *quo tempore—etiam si precario essent rogandi, tamen ab iis impetraretur,* i.e. impetrari debebat, or. Phil. II § 86

tibi uni peteres (i.e. petere debebas) with Mayor's note, de orat. I § 167 *causa caderet* with Wilkins' note, de fin. II § 35 with Madvig's note.

l. 5. non esse aequam] sc. *causam.*

CHAPTER XXIII

§ 89, l. 8. Hecatonis] § 63.

l. 9. in maxima caritate annonae] 'in a time of very great dearth.' Hand Tursell. III p. 256.

l. 10. familiam] 'his household of slaves,' the primary meaning of the word, so Cicero (ep. ad div. 13. 2) speaks of a familia *liberata;* it is applied also to a 'school of gladiators,' kept together in the same *ludus gladiatorius* and to a 'sect of philosophers.'

l. 12. utilitate, ut putat, officium dirigit] 'judges duty by the standard of what he fancies is expediency,' whereas in fact it is not so, being opposed to virtue. On *dirigere* cp. § 83 l. 14, de fin. II § 7 *voluptate omnia dirigentes.* So with *ad* pro Mur. § 3 *vitam ad certam rationis normam dirigenti,* § 77 *haec si ad rationem civitatis dirigas,* de rep. II § 55 *exempla ad quae reliqua oratio dirigatur mea.* Hecaton's rule is given in § 83, § 90.

l. 13. humanitate] 'feelings of humanity,' φιλανθρωπία, ἐπιείκεια.

quaerit] 'he puts, raises the question.'

in mari] sc. in gravi tempestate. **iactura]** 'sacrifice by throwing overboard,' I § 34, II § 56.

l. 14. servoli] The diminutive is used to express more forcibly the comparatively small value of the slave, § 73, I § 41, II § 57.

faciat] The subject is indefinite. **hic]** 'in this case.'

l. 15. res familiaris] 'regard for his own estate.'

tabulam] 'a plank,' 'board.'

l. 16. si potuerit] In order to indicate more forcibly that the power precedes the action, *si potuero* is sometimes put, when *si potero* might also be employed, e.g. *Plato, si modo interpretari potuero, his fere verbis utitur* de leg. II § 45, Madvig Gr. § 340 *obs.* 3, Zumpt Gr. § 510.

l. 17. iniurium] a rare word, except in early writers, Ter. Hec. I 1, 15 *iniurium autem est ulcisci adversarios,* Andr. II 3, 2 *si id succenseat, ipsus sibi esse iniurius videatur.*

eripietne suum] 'shall he seize it from him, as being his own?'

l. 18. non plus quam] i.q. *non magis quam,* § 118 *non plus quam amicitia,* § 38 *nihilo plus sibi licere putet peccare quam,* Verr. II 7, 21 *tum nemo molestus Dioni fuerat? non plus quam Liguri,* Kenn. Gr. p. 315.

l. 19. quo] i.e. quo ut perveniretur.

l. 20. sumpta] i.e. *conducta,* 'taken up,' engaged to sail by the *navigantes* from the shipowner (*dominus,* Gr. ναύκληρος).

§ 90, l. 21. sibine uterque] Orelli's reading *sibine uter* comes nearest to the MSS, but it is doubtful whether Cicero uses *uter* in the sense of *alteruter,* the passage in Verr. III 14 § 35 *si uter volet, recuperatores dabo* being taken from the praetor's edict.

l. 22. cedat vero] 'yes; one should give it up to the other, but

let that other be one whose life is more valuable either for his own sake or for that of the state.' On *vero* see Kenn. Gr. p. 329.

l. 23. vel sua vel reip. causa] cp. ep. ad Att. VII 1 *si me vellet sua aut reip. causa Luceriam venire.*

si haec paria in utroque]=*si utrimque pares sint vivendi causae.* H.

l. 25. micando] 'in the game of *la morra*,' § 77.

l. 26. cuniculos agat] 'were to make an underground passage.'

indicet] from *indicare*, 'to give information.'

l. 27. si arguatur] 'if he should be publicly accused.'

l. 28. non igitur] § 77 note.

patria praestat omnibus officiis] Observe the brachylogy: '(the duty toward) our fatherland is paramount to every other duty,' I § 76 l. 9, § 105 l. 8.

immo vero, sed ipsi p. c.] Bake (Scholica Hypomnemata V p. 64) suggests the omission of *sed*, so that the clause should run thus: *immo vero ipsi patriae conducit.* Sententiam enim hanc esse oportet in respondendo, 'non praestat patria omnibus officiis, quoniam prius officium est colere pietatem erga parentes, quae pietas conducit patriae.' In justification of his correction he refers to l. 31 *silebitne filius? Immo vero obsecrabit patrem ut ne faciat*, i.e. non silebit sed obsecrabit,—*si nihil proficiet, accusabit cet.*

l. 29. pios] 'dutiful,' to be taken with *in parentes*. Cp. Wopkens Lect. Tull. p. 156 for similar instances of separation of the governing from the governed word.

l. 31. ne id faciat] i.e. *ne patriam prodere conetur*, n. to I § 4.

l. 32. accusabit] i.q. *incusabit, obiurgabit, vituperabit*, 'will rebuke,' 'take him to task,' II § 53 *Philippus accusat Alexandrum filium*, Plaut. Curc. I iii 19 (178) *enimvero nequeo durare, quin ego herum accusem meum.*

l. 33. spectabit] I § 8, § 25.

P. 128, § 91, l. 1. quaerit] sc. Hecato, who stated the opinions of Diogenes and Antipater, § 51.

adulterinos] 'counterfeit,' κιβδήλους.

l. 2. imprudens] 'by an oversight.'

l. 3. Diogenes—Antipater] § 51.

ait] 'says yes.'

l. 4. vinum fugiens] 'wine that will not keep,' the aroma of which evaporates. Seneca ep. 12, 4 *gratissima sunt poma cum fugiunt*, which Lipsius *ad l.* explains by *iam cedentia aetate et abeuntia.*

l. 6. quasi controversa iura] 'like so many controverted, disputed, points of law with the Stoics.' *Controversa* or *dubia iura* are opposed to *ius certum:* pro Mur. § 28 *si id quod oportet responderis, idem videare respondisse quod Servius; sin aliter, etiam controversum ius nosse et tractare videaris.*

l. 7. mancipio] 'a slave,' § 71.

dicendane] sub. *quaerit Hecato.*

non ea quae—redhibeatur iure civili] 'I do not mean such faults, as if not mentioned, the slave must be returned on the seller's hands, according to the law of the land,' the sale being null and void. *Redhibere* is a technical legal term, Ulpian dig. XXI 1, § 11 redhibere *est, facere ut rursus habeat venditor quod habuerit.* The act of returning an object under these circumstances was called *redhibitio*, and a suit brought to compel the seller to receive the object and to return the price was *actio redhibitoria* and so *iudicium redhibitorium.* See Quintil. inst. or. VIII 3, Aul. Gell. N.A. IV 2, XVII 6. Plautus employs the word Merc. II iii 84 *dixit se redhibere si non placeat*, i.e. (the purchaser) 'said that he would return her, if she did not give satisfaction,' Most. III ii 111 *si male emptae forent, nobis has redhibere haud liceret*, where see Ramsay's note.

l. 8. ea, quae nisi dixeris] § 71.

l. 9. furacem] *furax*, 'thievish,' merely marks the slave's character and therefore is not so strong a word as *fur*, which would imply that the slave had been tried and found guilty of theft and therefore could not be warranted by the seller. There is no inconsistency between this sentence and § 71 *qui scire debuit—de furtis, praestat edicto aedilium.* If a slave manifested a thievish disposition by stealing from his master, it was not necessary to declare it when he was offered for sale. But if the owner of a slave, when he offered him for sale, concealed the fact that the slave had made his master liable for damages by stealing from a *third* person, he was responsible and might be required to take the slave back. Marcian dig. XXI de aedil. edict. 1, 52 *si furtum domino fecerit, non est necesse hoc in venditione servi praedicere, nec ex hac causa redhibitio est.*

§ 92, l. 11. orichalcum] Gr. ὀρείχαλκον (from ὄρος) literally 'mountain-copper.' The word is also written *aurichalcum*, but inaccurately, the first syllable being short, Hor. A. P. 202 *tibia non ut nunc* orichalco *vincta*, Vergil Aen. XII 87 *auro squalentem alboque* orichalco *loricam*, Plaut. Curc. I sc. 3 l. 45 (201) PH. *auro contra cedo modestum amatorem! a me aurum accipe!* PA. *cedo mihi contra* aurichalco *quoi ego sano serviam!* 'The *orichalcum* of Cicero, which closely resembled gold, was really brass, this alloy of copper and zinc being the only metallic substance which it is possible to conceive the ancients could have so mistaken,' *Times* (Dec. 25, 1861) *on Dr Percy's Metallurgy.*

l. 12. sit mille denarium] 'is a thing worth 1000 denarii,' the genitive of quality, not of price, which would require the ablative. Zumpt Gramm. § 456 *note*, Roby Gr. 1186. Cp. pro S. Rosc. § 6 *bona, quae sunt sexagiens*, Verr. III 81 *cum in Sicilia sestertiis binis tritici modius esset.* On the form *denarium* see Kenn. Gr. p. 91, Madv. Gr. § 37 *obs.* 4. The *denarius* was the *silver* coin of the Romans in most currency, though the ordinary unit of reckoning was the sestertius or numus. It originally contained ten *asses*, subsequently sixteen and was worth about 8½*d.* of our money, so that *mille denarii*=nearly £35.

l. 13. perspicuum est iam] 'it is plain enough by this time,' 'we have said enough to make it clear,' § 76.

CHAPTER XXIV

l. 15. pacta—servanda sint] h. e. *quaeritur, explicatur* or some similar verb.

l. 16. dolo malo] 'criminal fraud,' 'cozenage,' § 60.

ut praetores solent] sc. *edicere*, 'in the praetor's language.' The edict ran thus Dig. II 14 7 § 7 *Pacta conventa, quae neque dolo malo neque adversus leges, plebiscita, senatus consulta, edicta principum neque quo fraus cui eorum fiat, facta sint, servabo.*

l. 17. si—si] § 30.

medicamentum—ad aquam intercutem] 'a remedy for, against,

dropsy.' Cp. de div. I § 13 *mirari licet, quae sint animadversa a medicis herbarum genera—ad morsus bestiarum, ad oculorum morbos, ad vulnera*, Verr. V § 26 *ad magnitudinem frigorum praeclarum remedium*, Verg. Georg. II 352 *munimen ad imbres*, Cato de R. R. 115 *vinum ad alvum movendam*, c. 123 *vinum ad ischiacos*, c. 126 *ad tormina*, Celsus VI 6, 22 *liquidum quoque medicamentum ad idem componebat.*

l. 18. **pepigerit**] 'has stipulated,' Tac. Ann. XIII 14 *sane pepigerat Pallas ne cuius facti in praeteritum interrogaretur.* In this signification of 'covenanting' only the perfect forms are used.

l. 23. **quid faciendum sit**] sub. *quaeritur.*

qui non concedat] 'for not granting him his request' and yet no harm is done him: **nec**=et tamen non § 41 l. 30.

l. 24. **consulendum**] sc. est, § 8.

§ **93**, l. 25. **si qui**] I § 144, III § 19.

l. 26. **sestertium miliens**] i.e. *sestertium milia centena milia*=100 million sesterces=£750,000.

l. 27. **ut**] depends on *rogatus sit.*

adeat] 'takes possession of,' 'enters upon.'

saltet] as though mad or drunk, § 75, pro Mur. § 13.

l. 28. **scripturus non esset**] 'he would not have made him his heir.' On the use of the participle in *-rus* for the subjunctive, cp. § 50 and see Madvig Gram. § 381, Kenn. Gr. p. 335—6, Roby Gr. 1570.

l. 29. **promisisset nollem**] 'I'm sorry he promised.' For the subj. in quasi-dependence on another verb, cp. Tusc. I § 81 *vellem adesse posset Panaetius*, Verr. IV 20, 43 *nollem dixissem*, ep. ad fam. VII 14, 2 *mallem cognoscerem*, Tusc. I § 12 *mallem Cerberum metueres*, Madvig Gr. § 350 b *obs.* 1, Kenn. Gr. p. 449, Roby Gr. 1606.

l. 30. **fuisse gravitatis**] 'would have become his dignity.' In oratio recta it would have been *fuit gravitatis*, Madv. Gr. § 348 e, *obs.* 1.

l. 31. **honestius mentietur**]=*honestius erit ei mentiri.*

l. 32. **ceperit**] sc. hereditatem.

l. 33. **magnum tempus**]=grave tempus, 'important occasion,' 'critical time,' I § 29, § 115, II § 60, III § 32, de leg. III § 19 *maximis reip. temporibus praesto esse.*

CHAPTER XXV

§ **94**, l. 34. **ac ne illa quidem cet.**] 'Moreover, neither are those promises to be kept, etc.' On *ac—ne—quidem* see Hand Turs. IV p. 68. For the meaning of *ne—quidem*, for *etiam non* 'neither again,' important, Germ. *aucht nicht*, Gr. οὐδὲ where there is no gradation, cp. note to II § 58 l. 11, Hand Turs. III p. 60 ff., Madvig excurs. III on Cic. de fin. p. 802 ff., de nat. deor. III § 68 *huic, ut scelus, sic ne ratio quidem defuit*, Brut. § 199 *illud, quod populo non probatur, ne intellegenti quidem auditori probari potest*, Tusc. I § 11, § 12, § 53, § 54.

P. 129, l. 2. **Phaethonti**] Ovid Metam. Book II.

l. 3. **ut redeamus ad fabulas**] 'to go back to myths,' a parenthetic final clause, Kenn. Gr. p. 458. Cp. de nat. deor. III § 76.

l. 4. **dixit**] i.q. *promisit.*

quidquid optasset] § 77 l. 29 note.

optavit ut—tolleretur] Madvig Gr. § 389 *obs.* 1, cp. § 48 l. 30 *staturent—ut—naves conscenderent.*

l. 5. **atque is**]=*is vero* 'and so he,' I § 144 l. 13.

l. 6. **ante quam constitit**] sc. *cum curru.*

melius fuerat] I § 28, Madvig Gr. 348 e *obs.* 1, Zumpt Gr. § 518.

l. 7. **in hoc**]=*in hac re*, 'in this case,' as I § 35 *in quo si mihi esset obtemperatum*, or 'in the case of this man,' as I § 139 *quod in multis licet dicere.*

quid? quod cet.] 'what of the fact, that?' 'what shall be said to this, that?' Madv. Gr. § 479 d, *obs.* 1.

l. 8. **Theseus**] I § 32 l. 36.

exegit] 'exacted the performance of,' 'obtained the fulfilment of,' de orat. II § 128 *quo facilius a te exigam quod peto, nihil tibi a me postulanti recusabo.* See n. to I § 41 l. 31.

l. 9. **optationes**]=optandi facultates, cp. de orat. II § 364 *adimere omnem recusationem*, i.e. *recusandi facultatem.*

l. 10. **de noverca**] i.e. *quod ad novercam*, cp. Sallust Iug. c. 95 *nisi quod de uxore potuit honestius consuli.* ALLEN. Phaedra calumniated her stepson Hippolytus before his father Theseus. See Ovid Heroid. V 4, the *Hippolytus* of Euripides.

optato] used as a substantive, in Pis. § 46 *illud accidit praeter optatum meum*, ep. ad. fam. II. 1, 2 *meis optatis fortuna respondit*, 13, 2 *cur mihi non in optatis sit.*

l. 11. **in maximis fuit luctibus**] Hand Turs. III p. 257. So *in gloria, in honore, in amore esse.*

§ **95**, l. 12. **cum devovisset**] The commonly received story is that Agamemnon had once killed a stag in the grove of Artemis and that the goddess was so angry that she required to be propitiated with the sacrifice of his daughter Iphigenia, but that she substituted a stag, and made Iphigenia priestess of her temple at Tauri. Cicero accounts for it in the same way as Euripides Iphig. Taur. v. 20 ὅ τι γὰρ ἐνιαυτὸς τέκοι κάλλιστον, ηὔξω φωσφόρῳ θύσειν θεᾷ.

quod—pulcherrimum natum esset] Madvig Gr. § 320 *obs.*, Kenn. Gr. p. 321.

l. 13. **immolavit**] from *in* and *mola* (*salsa*), 'the salt cake,' which was broken and sprinkled over the head of the victim, called *far pium* by Hor. Od. III 20, Gr. οὐλοχύτη.

l. 14. **promissum potius—admittendum fuit**] above § 94 l. 6, 'better not to have kept the promise than have committed so shocking a crime,' 'incurred such horrible guilt.'

l. 16. **et—neque**] Kenn. Gr. p. 316, cp. Tusc. V § 112 *et dicebat nec deerat*, Philip. XIII 6 *intellegitis Pompeio et animum praesto fuisse nec consilium defuisse.* So *neque...et*, I § 72 *si quidem nec anxii futuri sunt et...victuri*, III § 1 l. 8.

l. 20. **reddasne depositum**] 'would you deliver up the trust?' dubitative conjunctive § 60, § 68, § 83, Zumpt Gr. § 530. Oaths &c. do not bind when the keeping of them will hinder some greater good, or bring some greater evil. See Grotius de iure b. et p., Sanderson de obligatione iuramenti.

§ **96**, l. 23. **temporibus**] 'by circumstances,' I § 31, § 39.

l. 24. **stare conventis**] 'to stand to, abide by, a bargain,' I § 32 *illis*

promissis non standum esse, § 110 *suo iudicio stetit*, Seneca de ira I 16 *stat semel constitutis*, Plaut. Curc. II i 35 (l. 250) *quod eis respondi, ea omnes stant sententia*, Madvig Gr. § 227, Zumpt Gr. § 466.

l. 25. commutata utilitate] 'by a change of expediency,' i.e. when the purposes they were intended to serve are reversed, § 72.

l. 26. ac—quidem] § 65 l. 9, Hand Turs. I p. 502.

de iis quae—utilitates] 'of those objects which appear to be expedient under a mask of wisdom, but really are opposed to justice.' On the plural *utilitates* see I § 78 note.

l. 29. sed quoniam a quattuor cet.] On the deficiency of this classification and the carelessness shewn in subjoining it here for the first time see Introd. § 39, cp. I § 117. We may remark further, that this supplementary division inserted here, which occurred to Cicero probably only while writing, obliges him to repeat what he said above *ac de iis quidem, quae videntur—arbitror dictum* in the words *ac de prudentia quidem* cet. The words § 71 *quocirca astutiae tollendae sunt eaque malitia, quae vult illa quidem videri se esse prudentiam* are generally regarded as the end of the first section on false prudence. Yet Cicero would have expressed himself more distinctly if he had meant to distinguish the examples from one another in this manner; at any rate in all cases, where apparent expediency is preferred to virtue, injustice as well as a misconception of true expediency and therefore false prudence shews itself; accordingly they are not easily distinguished from each other. The following examples likewise shew a conflict of expediency with justice more than with high mindedness. Still all this does not amount to a reason for pronouncing the words *ac de prudentia—temperantiae* to be an interpolation, as many do. For the words *sed quoniam—virtutis inimica* could only form the transition to the next division, which is to treat of the conflict between high-mindedness and expediency, on the supposition that *virtus = magnitudo animi*. As it is, Cicero never uses *virtus* in contradistinction to *iustitia*. Even if *virtus* had this sense here, the point would have been missed: because we derive duties from four kinds of virtue, we shall have to deal with the same four kinds of virtue, when we treat of the conflict between expediency and high-mindedness. Finally, if the first division treated of the conflict between apparent prudence and justice, and the second part began only here, Cicero could not say as he does c. 33 *restat quarta pars*. *Heine*.

l. 31. virtutis inimica] § 117 *libidinum inimica*, I § 63 *veritatis amici*, Tusc. IV § 34 *inimicissimi mentis*. Zumpt Gr. § 410.

l. 32. de prudentia] § 40—§ 70.

quam vult imitari malitia] § 71 *eaque malitia quae vult illa quidem videri se esse prudentiam cet.*

P. 130, l. 1. de iustitia] § 71—§ 95.

l. 2. animi excellentis magnitudine et praestantia] § 24 *excelsitas animi et magnitudo*, I § 15 *in animi excelsi atque invicti magnitudine et robore*, de fin. V § 36 *virtutes, quarum est excellens in animorum laude praestantia*.

l. 3. conformatione cet.] i.e. *conformatione et moderatione motuum animi, quae fit continentia et temperantia*, as Heusinger explains it, 'the shaping and government of it (the mind) by continence and temperance.' Cp. I § 7 *praeceptis quibus in omnes partes usus vitae conformari possit*, de fin. V 6 *inventa vitae via est et conformatio omnium officiorum*. *Conformatione* seems to apply to *continentiae*, as *moderatione* does to *temperantiae: continentia* being rather the restraint imposed upon our outward

conduct, *temperantia* expressing, though imperfectly, the Greek σωφροσύνη, 'habitual self-command,' I § 16 l. 10.

CHAPTER XXVI

§ 97, l. 5. utile videbatur cet.] i.e. *militiam supterfugere*. A similar anacoluthon occurs I § 105.

l. 6. optumum auctorem] Any person who determines our belief, even as a witness, is called an *auctor*. Thus Tacitus Germ. c. 28, in quoting Julius Caesar as a witness with respect to the former state of the Gauls, calls him *summus auctorum*, i.e. 'the highest of authorities,' cp. below, § 113 *Polybius, bonus* auctor *in primis*, Hor. Od. I 28, 14 (Pythagoras) *non sordidus* auctor *naturae verique*. As writers, particularly of history, were the authorities for facts, 'auctor' came to mean 'a writer.' Hence Juvenal sat. VII 231 speaks of a preceptor of the Roman youth being required *ut legat historias*, auctores *noverit omnes tamquam ungues digitosque suos*. Cp. Quintil. inst. orat. I 8 § 18—21, Sir G. C. Lewis *on the Methods of observation in Politics* I p. 182 n. (2).

l. 8. sed] resumptive after a digression, 'but,' 'however,' 'be that as it may,' I § 4, § 105, II § 73.

insimulant eum tragoediae] The tragic poets, especially Euripides, like to represent Odysseus as crafty and full of intrigue and cowardly, and so they frequently employ this myth, e.g. Sophocles, in his play Ὀδυσσεὺς μαινόμενος, Euripides frequently, and amongst the Romans Accius and Pacuvius in his *Armorum iudicium*.

l. 9. non honestum] sc. erat, II § 72 l. 22.

l. 10. ut aliquis fortasse dixerit] Heine and others are probably right in bracketing these words as an interpolation. *At* alone is used to introduce an objection which must be answered, § 87 l. 28, § 101 l. 20, Seyffert sch. L. I p. 130, p. 134, Kenn. Gr. p. 319.

l. 12. parentibus] Laertes and Anticlea.

uxore] Penelope.

filio] Telemachus.

l. 15. ne utilem quidem] See above § 94 l. 34 note.

§ 98, l. 16. quid auditurum putas fuisse] 'how would he have been spoken of, think you?' Madv. Gr. § 381, Kenn. Gr. p. 335, above § 93 l. 29.

l. 17. cum—gesserit] 'although he performed,' II § 35, § 54.

l. 18. ab Aiace] in the *Armorum iudicium* of Pacuvius, from which the lines here quoted are taken. The person spoken of is Odysseus, the speaker Ajax.

l. 19. cuius ipse—fidem] 'he was the only one to set aside the obligation of the oath, which he was himself the first to take, as all of you know.' *Cuius* is to be taken as a monosyllable (Hermann *elem. metr.* I 10, 29), *istius* l. 23 as a dactyl with the elision of the final *s*. For the allusion see Apollodorus Biblioth. III 10, 9 τούτων (τῶν μνηστευομένων) ὁρῶν τὸ πλῆθος Τυνδάρεως ἐδεδοίκει μὴ προκριθέντος ἑνὸς στασιάσωσιν οἱ λοιποί. ὑποσχομένου δὲ τοῦ Ὀδυσσέως, ἐὰν συλλάβηται πρὸς τὸν Πηνελόπης αὐτῷ γάμον, ὑποθήσεσθαι τρόπον τινὰ δι' οὗ μηδεμία γενήσεται στάσις, ὡς ὑπέσχετο αὐτῷ συλλήψεσθαι ὁ Τυνδάρεως, πάντας εἶπεν ἐξορκίσαι τοὺς μνηστῆρας βοηθήσειν, ἐὰν ὁ προκριθεὶς νυμφίος ὑπὸ ἄλλου τινὸς ἀδικῆται περὶ τὸν γάμον· ἀκούσας δὲ τοῦτο Τυνδάρεως τοὺς μνηστῆρας ἐξορκίζει καὶ Μενέλαον μὲν αὐτὸς αἱρεῖται νυμφίον, Ὀδυσσεῖ δὲ παρὰ Ἰκαρίου μνηστεύεται Πηνελόπην.

l. 21. furere adsimulare, ne coiret, instituit] 'began to pretend madness, that he might not have to join the expedition.' Cp. Cic. ep. ad fam. X 16 *flagitare* instituit, Liv. XXIV 46 instituit *oppugnare*, XXVII 2 instituit *sequi*, XL 5, 3 *singulos* Cic. *temptare* instituit, Aratus 715 *inde sagittipotens superas cum visere lunas* instituit, Plaut. Capt. III 4, 52 *vide sis, ne quid tu huic temere* insistas *credere. Insistere in aliquid* or *alicui=incumbere, attendere ad aliquid*, but Cic. uses the expression *munus insistere* de or. III § 176. **ne coiret]** i.e. ne simul iret.

l. 22. Palamedi] When Ulysses pretending madness yoked an ass and an ox to a plough and began to sow salt, Palamedes, to try him, placed the infant Telemachus before the plough, whereupon the father could not continue to play his part. He stopped the plough, and was obliged to undertake the fulfilment of the promise he had made, when he was one of the suitors of Helen. *Dict. of Biogr.* 'Odysseus,' Vol. III p. 12.

l. 23. percepset] a syncopated form of *percepisset*: cp. *extinxem* Verg. Aen. IV 606, *vixet* XI 118 for *vixisset*, *erepsemus* Hor. Sat. I 5, 79, *summosses* 9, 48, *illexe* for *illexisse* Accius ap. Cic. de n. deor. III § 68, *dixti* or. pro Caec. § 82, *despexe* Plaut. Mil. gl. II 6, 72, *subrexe* Hor. Sat. I 9, 73, *divisse* II 3, 169, *percusti* 273, *surpite* 283, Kenn. Gr. p. 54, Corssen II 553.

audaciam] 'impudence.'

l. 24. fide] another form of the genitive *fidei*, ei being contracted into ē, anciently ī, cp. Plancus ap. Cic. ep. ad fam. X 17, 3, Hor. Od. III 7, 4 *constantis iuvenem* fide, Ov. Metam. III 341 *prima* fide—*temptamina*, VI 506 fide *pignus*, VII 728, 737, Kenn. Gr. p. 122.

fide sacratae ius]=ius iurandum.

§ 99, l. 26. consentientem ad] or. Phil. IV § 10 *deos* ad *remp. conservandam arbitror* consensisse.

l. 27. barbaris] i.e. *Phrygibus*, because the Greeks called all besides themselves *βάρβαροι*, de div. II § 82.

l. 28. externa] 'foreign instances,' opp. to *nostra*.

l. 29. Regulus] I § 39. The story of the embassy of Regulus is pronounced by Niebuhr and others to be quite devoid of historical foundation. See *Lectures* VI p. 37, *Hist. Rome* III p. 598.

l. 30. consul iterum] Regulus was consul B.C. 261 and B.C. 256 in the ninth year of the first Punic war. He was defeated by Xanthippus, taken prisoner B.C. 255, when he was proconsul (not consul) in Africa, see *Dict. Gr. and Rom. Biogr.* III p. 643.

ex insidiis] not local but causal: the expression is not warranted by Polybius' narrative, I 32 ff.

l. 32. patre Hannibalis Hamilcare] This is a mistake, for the Hamilcar, who was commander-in-chief at the battle of Tunis B.C. 255, had already conducted the war not without some result in Sicily, while Hamilcar Barcas, Hannibal's father, took the supreme command in Sicily when he was quite a young man, B.C. 248, and had not arrived at man's age when he fell in Spain B.C. 229.

iuratus—ut]=iure iurando obstrictus ut.

l. 33. captivi nobiles] In the great victory won by L. Caecilius Metellus at Panormus B.C. 250 thirteen noble Carthaginians had been taken prisoners and led in triumphal procession. The Carthaginians, wishing to recover these and others of their citizens, sent an embassy to Rome to propose an exchange of prisoners, and M. Regulus was allowed to accompany the ambassadors upon his promise given to return with them to Carthage, if the negotiation failed. (Pyrrhus had given a similar permission to his Roman prisoners.) But Regulus, thinking that the proposed exchange would be to the advantage of the Carthaginians, nobly dissuaded the senate from consenting to it: he himself would be ill-exchanged,' he said, 'for a Carthaginian general in full health and strength, for the Carthaginians, he believed, had given him a secret poison and he felt that he could not live long.' The exchange was refused: Regulus returned to Carthage and soon after died. His springs of life had been poisoned, not by the deliberate crime of the Carthaginians, but by mortification, shame, a pining after his country and the common miseries of a prisoner's condition, at a period when the courtesies of war were unknown. Afterwards the story prevailed, that the Carthaginians in their disappointment had put him to a death of lingering torment; but the story is probably untrue. Arnold's *Hist. of Rome* II p. 601. See *Dict. of Biography*, Vol. III p. 644.

l. 35. res] 'matter of fact.'

l. 36. domui] as locative for domi in Cicero is supported by the majority of MSS, Kenn. Gr. p. 120.

P. 131, l. 1. communem] sc. *calamitatem*.

l. 3. quem censes] i.e. *quem hominem censes negaturum esse*, quin haec utilia sint. At ipsa virtus negat. *Z.*

CHAPTER XXVII

§ 100, l. 4. locupletiores auctores] i.e. *quam hae virtutes sunt*, 'better authorities,' § 97. For the meaning of *locuples* see note to § 10 *testis locuples*, § 105 l. 10, de div. II § 119 *Pythagoras et Plato locupletissimi auctores*.

l. 6. despicere] I § 61.

l. 8. sententiam ne diceret recusavit] 'declined to give his own opinion in the case.' Cicero might have used the inf. *dicere*, but *quominus* or *ne* with subj. is more common in prose, Zumpt Gr. § 544, Madvig Gr. § 375 *a*. *Recusare* means properly 'to allege a plea (*causa*) for not doing a thing,' 'to find reasons against some one,' hence to enter a protest (not necessarily a refusal). The phrase was originally a legal one, see Jordan on or. pro Caec. § 81.

l. 9. iure iurando hostium] i.q. *iure iurando hostibus dato*, 'by the oath sworn to his enemies,' or subj. 'which his enemies made him swear.' Eur. Iph. Aul. 391 *ὤμοσαν τὸν Τυνδάρειον ὅρκον*.

non esse se senatorem] *dixit* or some equivalent verb is to be supplied from *recusavit*. For the sentiment cp. Hor. Od. III 5, 41 *fertur pudicae coniugis osculum parvosque natos, ut* capitis minor, *a se removisse*.

l. 10. atque illud etiam] sc. *commemorandum est*. Cp. similar elliptical expressions *quid illud? iam hoc; iam vero illud*, P. S. Gr. p. 347, Madv. Gr. § 479 c, Seyff. sch. Lat. I p. 21, p. 44.

l. 12. illos enim adulescentes esse] An affirmative idea is to be supplied from the negative verb, as above l. 9, Madvig Gr. § 403 *a*, *obs.* 2.

l. 13. cum valuisset auctoritas—neque cet.] though he had not given his vote as a senator, because a prisoner of war and therefore disfranchised, Liv. XXII c. 60.

l. 15. neque vero—ignorabat—sed—putabat] on the tense see Madvig Gr. § 337. Cp. Hor. l. c. *atqui sciebat, quae sibi barbarus tortor pararet*.]

l. 18. tum, cum vigilando necabatur] Kenn. Gr. p. 466. Valer. Maxim. IX 2, 1 says *Karthaginienses Atilium Regulum palpebris resectis machinae, in qua undique praeacuti stimuli eminebant, inclusum vigilantia pariter et continuo tractu doloris necaverunt.* The story is probably untrue: it is not mentioned by Polybius, and Dio Cassius (Zonaras VIII 15) regards it as fiction, while Diodorus (fr. l. XXIV. Tom. II p. 566 ed. Wesseling) merely narrates that Regulus' wife had wreaked her vengeance on two Punic prisoners, because the Carthaginians had brought about her husband's death by neglect (ἀμέλεια).

erat in meliore causa] i.e. conditione. Madvig ad de fin. I § 49.

§ **101**, l. 20. **at stulte]** sc. *fecit;* 'but it may be said, he acted like a fool,' § 87, § 97 l. 10, Zumpt Gr. § 771, Madv. Gr. § 479 c.

qui non censuerit] causal subj. 'for not having voted against.'

l. 22. etiamne] sc. *stulte fecit, si id reip. conducebat?*

l. 23. potest autem cet.] § 52, M. Anton. V 22 *ὃ τῇ πόλει οὐκ ἔστι βλαβερόν, οὐδὲ τὸν πολίτην βλάπτει.*

CHAPTER XXVIII

l. 28. facere aliter] I § 4.

l. 29. qui fugiat] consecutive subj. with qui, so common in interrogative sentences.

l. 31. nusquam] i.q. *nulla in re,* as *hic = hac in re, hinc = hac ex re.*

decore] from *decus,* not *decor,* a word which in Cicero's time was confined to the poets.

l. 32. utilitatis nomen] descriptive genitive, 'the word expediency,' 'expediency in general,' cf. II § 2 philosophiae *nomen,* de fin. II § 78 *amare, e quo nomen* amicitiae *ductum est.* Cp. note to I § 119, II § 16, Kenn. Gr. p. 413.

l. 33. non tam splendidum quam necessarium] 'not so much respectable as indispensable:' § 20 *tamen splendidius haec ab iis disseruntur,* I § 61. *Necessarium* 'a necessary principle of man's life,' one of the *fundamenta naturae,* I § 127 *partium corporis usus sunt necessarii.*

§ **102**, l. 33. **quid est—in iure iurando]** = quae vis est, 'what is there in an oath? of what consequence is it?' II § 19, III § 104.

l. 34. dixerit quis] potential conjunctive § 29 l. 34, § 110 l. 6, P. S. Gr. p. 338.

l. 35. hoc quidem] i.e. haec sententia, sc. *numquam nec irasci deum nec nocere.*

l. 37. qui deum nihil habere cet.] the doctrine of the Epicureans, cp. de nat. deor. I § 51 *nihil enim agit, nullis occupationibus est inplicatus, nulla opera molitur, sua sapientia et virtute gaudet, habet exploratum fore se semper cum in maximis, tum in aeternis voluptatibus,* ib. II § 59 *Epicurus monogrammos deos et* nihil agentes *commentus est,* de leg. I § 21, Lucret. I 57, V 83. Cp. Diog. Laert. X 139 *τὸ μακάριον καὶ ἄφθαρτον οὔτε αὐτὸ πράγματα ἔχει οὔτε ἄλλῳ παρέχει, ὥστε οὔτε ὀργαῖς οὔτε χάρισι συνέχεται.*

P. 132, l. 1. nihil exhibere] sc. *negotii,* § 112 l. 25.

l. 2. deum semper agere aliquid] the doctrine of the Socratic School (and to a certain extent also of the Peripatetics and Academics) who believed in divine Providence and the moral government of the world.

l. 3. numquam nec] on *nec—nec* used partitively after the general *numquam* see I § 66, II § 84.

nec irasci deum nec nocere] § 104, II § 12, Seneca de ira II 27, 1 *quaedam sunt quae nocere non possunt nullamque vim nisi beneficam et salutarem habent, ut di inmortales qui nec volunt obesse nec possunt.* Not that they thought that the Gods did not kill by the stroke of lightning, or that the Furies did not punish the guilty with tortures. That the Godhead who governed the whole world and took care of individuals punished the wicked by the natural consequences of their sin, was the doctrine held by the Stoics, Plut. St. rep. 15, 32, Arrian ap. Stobae. ecl. I p. 132. Plato also taught the punishment of the wicked in a future life, Phaed. p. 80 E.

l. 6. quae perverteret] consecutive subj. expressing result, 'such that it should overturn it,' so that it should no longer be *utilitas,* § 101 *pervertunt fundamenta naturae,* I § 5 *officium omne pervertunt.*

l. 7. an ne] sub. *timuit* from *timemus,* or perhaps *an ideo servandum fuit iusiurandum ne,* 'was it to avoid acting basely that he must keep his oath? as to that, in the first place, always of two evils choose the least.'

minima de malis] sc. *eligenda sunt:* such ellipses are common in proverbial sayings, I § 82 n., Madvig § 479 d. obs. 1. Cp. Arist. eth. nic. II 9, 2 *τὰ ἐλάχιστα ληπτέον τῶν κακῶν.*

l. 8. turpitudo ista] 'the baseness you speak of' (i.e. of Regulus breaking his oath), will there be any evil in it so great, as that of the tortures which he had to endure?'

l. 9. habebit] i.e. *censebitur habere.*

deinde—Accium] 'then again, the following sentiment also in Accius.' The passage is in the play called *Atreus,* § 84, § 106. Thyestes says to Atreus 'have you not broken your oath?' to which Atreus replies, *neque dedi cet.* The argument is 'Men are not obliged to keep their oaths to treacherous people and such the Carthaginians were,' therefore Regulus needed not to have kept his oath to them.

l. 11. fregistin] = nonne fregisti? So *estne* for *nonne est* pro Rosc. Am. § 33, *videtisne* for *nonne videtis* ib. § 66.

l. 13. impio rege] Atreus.

luculente] § 60 l. 32, i.e. 'excellently,' 'well,' referring to the second line of the quotation.

§ **103**, l. 17. **hoc ipsum]** sc. *revertisse,* § 49 l. 18 *hoc ipsum putare,* II § 84 *hoc ipsum—peccare.*

videtur] for *videtur, fit, debuit* we should have expected *videatur fieri, debuerit,* in the *oratio obliqua;* but the construction is changed to the *oratio recta.*

l. 21. videretur] On the change of tenses, cp. I § 87 l. 32, II § 56 *cogerentur.*

CHAPTER XXIX

§ **104**, l. 23. **non fuit Iuppiter metuendus ne]** by attraction for *non fuit metuendum ne Iuppiter—noceret.* Cp. I § 129, ep. ad fam. VIII 10, 3 *nosti Marcellum quam tardus sit.*

l. 24. nec nocere] cp. Seneca de ira II 27 § 2 *quaedam sunt quae* nocere *non possunt nullamque vim nisi beneficam et salutarem habent, ut di immortales, qui* nec volunt obesse nec possunt.

l. 25. ratio] 'argument.'

l. 27. non qui metus cet.] in the case of an oath, it is not the penal consequences (to be feared from breaking it), but the nature and obligation of the oath, which we ought clearly to understand.

l. 29. adfirmate] 'positively, solemnly.'

l. 30. iam—pertinet] 'the question then no longer concerns the resentment of the gods (i.e. as to whether the gods do or do not punish perjury), for there is no such thing, but the obligations of justice and truth (i.e. as to whether a man who has committed a breach of promise can be considered just or no).' iam—non=Gr. *οὐκέτι*, 'not as before,' 'no more,' Hand Turs. III p. 130.

l. 33. O Fides] This verse, as also those quoted I § 26, II § 23, are taken according to Ribbeck (Tragic. fr. p. 71) from the *Thyestes* of Ennius.

apta pinnis] 'fitted with pinions, furnished;' *aptus* is a participle from root AP (whence *apiscor, adipiscor*)=Sanscrit âp, 'go to,' hence 'obtain.' Cp. I § 60 *ex quo aptum est officium*, Vergil Aen. XI 202 *caelum stellis fulgentibus aptum.*

ius iurandum Iovis] oath sworn by Iuppiter iurarius (Ζεὺς ὅρκιος), § 100.

P. 133, l. 1. igitur] sc. *quia ius iurandum ad fidem pertinet.*

in Capitolio vicinam Iovis] de nat. deor. II § 61 *tum autem res ipsa, in qua vis inest maior aliqua, sic appellatur, ut ea ipsa nominetur deus, ut Fides, ut Mens; quas in Capitolio dedicatas videmus proxime a M. Aemilio Scauro* (I § 76, § 138): *ante autem ab A. Atilio Calatino* (dictator B.C. 249) *erat Fides consecrata.* The cultus of Fides may be traced back to Numa, Plutarch Num. 16 *πρῶτον δέ φασι καὶ Πίστεως καὶ Τέρμονος ἱερὸν ἱδρύσασθαι, καὶ τὴν μὲν Πίστιν ὅρκον ἀποδεῖξαι Ῥωμαίοις μέγιστον, ᾧ χρώμενοι μέχρι νῦν διατελοῦσιν*, Liv. I 21.

l. 2. Catonis] i.e. M. Porcius Cato, we don't know from which of his speeches.

§ 105, l. 4. at enim] § 79, I § 144.

l. 6. certe] 'this is true,' 'undoubtedly.'

non modo non] Madvig Gr. § 461 a *obs.* 2, de orat. II § 294 *ut non modo non abiecto sed ne reiecto quidem scuto fugere videar*, in Cat. IV 9, 19 *id ne umquam post hoc non modo non confici sed ne cogitari quidem possit.*

l. 7. maxima auctoritate philosophi] the Stoics, II § 10.

l. 8. testem] Regulus by his actions was 'a voucher for,' 'a witness to,' the truth of the philosophers' doctrines.

l. 9. haud scio an] § 6 l. 30 note.

l. 10. locupletiorem] § 100 l. 4.

l. 11. retinendi officii] I § 82 *recta atque honesta retinere.*

qui subierit] consecutive subj.

l. 12. nam quod aiunt] see note to § 110 l. 1.

minima de malis] sc. eligenda sunt, § 102 l. 7.

l. 13. ut turpiter] sc. fiat or facias, Madv. Gr. § 479 c.

l. 14. an est ullum] 'as to their assertion 'the least of evils'...(do you allow this or) can there be any greater evil etc.?' cp. ad fam. II 16, 5

nam quod rogas, ut respiciam generum meum—an dubitas, cum scias quanti illum faciam, quin ea me cura sollicitet, Madvig Gr. § 453, Zumpt Gr. § 353, Kenn. p. 327, Roby Gr. II 2255 '*an* is frequently used in a question apparently simple, but which may be regarded as really the second member of an alternative question, the first being either not put in the form of a question or left to be inferred from the context. It introduces questions which imply the needlessness of the preceding remark, or meets an anticipated objection.'

l. 15. in deformitate corporis] 'in the case of bodily deformity.'

habet aliquid offensionis] I § 71. Cp. ad fam. X 18, 1 *ut consilium sequerer...quod* habere *posset obtrectationem*, ib. § 3 *nam quae res nullam* habebat *dubitationem . . . . ea nunc magnum* habet *casum.*

l. 16. turpificati] an ἅπαξ λεγόμενον, like *mitificatus* de div. II § 57, formed after the analogy of *amplificatus, sacrificatus*, since the verb *turpifico* is not found.

§ 106, l. 17. nervosius—remissius] 'more strongly'—'with more laxity,' the Stoics (§ 35)—the Peripatetics (§§ 20, 33): Cic. orat. § 127 *dicetur non Peripateticorum more—sed aliquanto nervosius*, Brut. § 121 *quis enim uberior in dicendo Platone? quis Aristotele nervosior?*

ista disserunt] *disserere* is often construed with the accusative of the object, if a pronoun, rarely if a noun, as Tac. ann. I 4 *bona libertatis disserere.*

l. 19. nam] See note to § 84.

illud quidem] i.e. *illud Accianum*, 'the following line (of Accius),' § 102. Grotius (II p. 101) says, 'that oaths to a faithless person are not to be kept, if the sworn promise had evidently respect to another promise, which was a sort of implied condition; but they are to be kept if the promises are of a diverse kind and without mutual reference: for then each must observe what he has sworn.'

l. 22. recte a poeta] sc. dictum est, § 60.

cum tractaretur cet.] 'when the character of Atreus was being treated of, the poet had to support (lit. 'to be a slave to') the character of the person introduced.' Cp. § 102.

l. 23. personae serviendum fuit] for the sentiment cp. I § 97.

sed si hoc sibi sument] 'but if they (who are arguing against Regulus) assume (or vindicate) this principle, that that is no promise which is pledged to the faithless, let them look to it, lest it be used as a subterfuge for perjury.' On *latebra* 'a loop-hole,' 'pretence,' cp. de fin. II § 105 *nam si 'tuam' dicerem, latebram haberes*, de div. II § 46 *te mirificam in latebram coniecisti.*

§ 107, l. 26. est autem—cet.] Heine ed. 5 objects to this passage as spoiling the connexion. *Quod enim ita cet.* refers immediately to *videant ne quaeratur latebra periurio.* In the preceding passage Cicero was speaking of the 'faithless' man (*infidelis*), not of an 'enemy.' Moreover an oath made to an enemy, which *hostis* here means as is shewn by *ius bellicum*, is binding at all times.

fidesque—cum hoste servanda] Plaut. Pseud I 3, 142 *si tu argentum attuleris, cum illo perdidero fidem*, Ter. Phorm. III 2, 27 *nequeo exorare ut me maneat et cum illo ut mutet fidem.*

l. 27. quod enim ect.] 'for an oath, which has been sworn in such a manner that in the mind [of the swearer of that oath] there was an idea present that it ought to be performed, must be kept. But in the case of

an oath, in which it is otherwise (i. e. in which you did not think at the time you swore it that it ought to be performed), it is not perjury to break it.' Grotius misunderstood this passage from supposing that Cicero was speaking of the intention of the person who administers the oath, de iure b. ac p. II xiii 2 (Vol. II p. 86 ed. Whewell).

l. 28. ut mens conciperet] i. q. *homo mente conciperet.*

l. 29. quod aliter] sc. *iuratum est.* This is the doctrine of the Stoics: Stobaeus ecl. eth. II p. 230 *τὸ μέντοι ψεύδει ποτὲ συγχρήσασθαι νομίζουσι τὸν σόφον κατὰ πολλοὺς τρόπους ἄνευ συγκαταθέσεως* (i. e. *ubi mens non concipit id fieri oportere*). *καὶ γὰρ κατὰ στρατηγίαν πρὸς τῶν ἀντιπάλων καὶ κατὰ τὴν τοῦ συμφέροντος προόρασιν* cet. The Stoics recognised something very like 'mental reservation.'

l. 30. fecerit] sc. *is qui iuravit*, indefinite subject, I § 101.

ut] 'as for example,' cp. I § 32 *illis promissis standum non esse quis non videt quae coactus quis metu, quae deceptus dolo promiserit?*

pactum—pretium] passive: I § 33 l. 23, Zumpt Gr. § 632.

l. 31. si attuleris—non feceris] I § 32.

l. 32. id non feceris] h. e. *pretium non attuleris*, I § 4 note.

non ex perduellium numero definitus] for *ita definitus ut sit in perd. numero*, cp. de orat. I § 108 *nam si ars ita definitur ex rebus perspectis planeque cognitis—, non mihi videtur ars oratoris esse ulla.*

perduellium] 'fair enemies,' I § 37 n. Grotius *l. c.* II xiii 15, I refutes this position of Cicero, after approving of the conduct of Pomponius, Regulus and other instances adduced by Cicero; he says that oaths may be exchanged *inter quosvis:* the reason is that 'we are not to have respect to the person to whom the oath is made, but to God by whom we swear; and this is sufficient to produce an obligation.' He then proceeds to say that 'though the law of Nations recognises a distinction between an enemy and a robber, yet this difference cannot hold, when, though the right of the person fail, our business is with the Deity.' See also Whewell's *Elements of Morality* III ch. 15.

P. 134, § 108, l. 1. non enim] I § 62. Translate: 'for it is not the simply swearing what is false that constitutes perjury, but perjury is the non-performance of that which you have taken an oath upon your conscience (*ex animi tui sententia*), as our law-forms express it, to perform.' Cp. I § 40 *semper autem in fide quid senseris, non quid dixeris cogitandum*, Acad. II § 146 *quam rationem maiorum etiam comprobat diligentia, qui primum iurare 'ex sui animi sententia' quemque voluerunt, deinde ita teneri 'si sciens falleret.'* The phrase *ex animi sententia* means also 'according to your liking.'

l. 4. Euripides] Hippol. 612 *ἡ γλῶσσ' ὀμώμοχ', ἡ δὲ φρὴν ἀνώμοτος*: 'where,' says Paley, 'the meaning is, that the words of the oath were uttered without a full knowledge of the facts of the case, and therefore the oath is not binding.' In casuistry this holds good. Aristophanes, who in Ranae 1417 and elsewhere ridicules this verse, gives it a wrong meaning by making the remark a general one. It is clear that the verse was often quoted, even by Plato, in a sense which the poet never intended. Plautus Rudens v. 1355 renders it, *meus arbitratust lingua quod iuret mea.*

l. 7. hostiles] i. e. cum hostibus factas.

perturbare] i. q. *violare*, 'to break through.'

cum iusto—hoste] 'a regular, formal enemy' = perduellis § 107, *qui bellum gerit legitime denunciatum et indictum*, I § 36. *Iustus* signifies

anything which is 'complete' or fit in its kind, and not excessive. Hence *iusta pugna* 'a regular pitched battle' in opposition to *tumultuaria*, Liv. XXII 28 with Fabri's note, XXXIV 28, *iustum proelium* ib. XXIII 37, 8, 40, 9, *iusta acie* XXII 24, 11.

l. 8. adversus quem—sunt iura comm.] Cp. I § 33 l. 33, II § 68 l. 30, Liv. V 35, 4 *quamquam* adversus *Romanos nullum eis ius societatis amicitiaeve erat*, ib. X 11 *quamquam necessaria iam facta* adversus *Romanos fides sit*, ib. XLV 8 *quum pacis, quam cum summa fide* adversus *eum coluimus, meminisses.* On *ius fetiale*, 'international law' see I § 36 n. On *multa* for multa alia see Madvig de fin. I § 18 and cp. I § 23, § 71.

CHAPTER XXX

§ 109, l. 11. at vero] II § 70, § 80.

l. 12. cum male pugnatum apud Caudium esset] Caudium was a town of Samnium between Calatea and Beneventum, from which the famous pass *furcae Caudinae* is named, where the Romans were defeated by Caius Pontius in the second Samnite war B.C. 321. The senate refused to ratify the treaty made with Pontius, and the defeated consuls themselves voted against the ratification of it, Livy IX 5, 10.

l. 14. sub iugum missis] Liv. III 28.

l. 15. iniussu enim populi senatusque fecerant] The senate considered it in the light of a *sponsio*, 'a convention made on personal responsibility,' rather than a *pactio* or *foedus*, 'public treaty.' See for the distinction Grotius, de iure b. ac p. II xv (Vol. II p. 128 ff. ed. Whewell), where the validity of the Caudine and Numantian conventions is considered.

l. 16. Ti. Numicius] according to Livy IX, 8, 13 it was L. Livius.

l. 17. tribuni plebis] probably only tribunes-designate. Niebuhr's *Hist. of Rome* Vol. III p. 220.

l. 18. pax Samnitium] 'peace with the Samnites.' Cp. Justin XII 1 *qui Philippi—pacem soli spreverant.* Cp. note to I § 97 l. 23, III § 86 *Pyrrhi bello.*

l. 19. qui dedebatur] 'who was thereby delivered up,' i.e. was to be delivered up, Madvig Gr. § 337 *obs.* 1.

suasor et auctor deditionis] 'adviser and supporter of the rendition.'

l. 20. quod idem] sc. fecit, Madvig Gr. § 479 c.

multis annis post] 184 years. C. Hostilius Mancinus was consul B.C. 137 with M. Aemilius Lepidus Porcina and had the conduct of the war against Numantia. Being defeated by the enemy he negotiated a peace through the intervention of his quaestor Tib. Gracchus, but the senate refused to recognise it and delivered the consul over to the enemy by means of the *fetiales*. This was done with the consent of Mancinus, but the enemy refused to accept him. On his return to Rome Mancinus took his seat in the senate, as heretofore, but was expelled violently from it by the tribune P. Rutilius, on the ground that he had lost his citizenship. His civic rights were restored to him by a special *lex* (dig. 50 tit. 7 § 17). Appian de reb. Hispan. 79—83, Valer. Max. I 6 § 7, Vell. Paterc. II 1, Cic. de orat. I § 181, § 238, II § 137, pro Caec. § 98, Top. § 37, de rep. III § 28, Plutarch Tib. Gr. c. 7. See *Dict. of Biogr.* II p. 195.

l. 21. sine senatus auctoritate] 'without warrant from the senate.'

l. 22. Furius—Atilius] L. Furius Philus—Sextus Atilius Serranus, consuls B.C. 136.

l. 24. honestius hic] sc. fecit.

Q. Pompeius] Quintus Pompeius A. F., consul B.C. 140 with Cn. Servilius Caepio, the first member of the Pompeia gens who obtained the consulship, (*humili atque obscuro loco natus maximis suis periculis ac laboribus amplissimos honores est adeptus* Verr. V 70 § 181, *non contemptus orator temporibus illis fuit, qui summos honores homo per se cognitus sine ulla commendatione maiorum est adeptus* Brut. § 96, pro Mur. § 16). He was sent into nearer Spain, as the successor of Q. Metellus (Val. Max. IX 3, 7), where, after in vain laying siege to Numantia, he concluded a treaty with the enemy, but disowned it on the arrival of his successor M. P. Laenas, and, on the matter being referred to the senate, they declared it invalid. Pompeius was made censor B.C. 131, the first time that both censors were chosen from the *plebs*. Appian de reb. Hisp. 76—79.

cum in eadem causa esset] 'though he was in the same case' as Mancinus, i.e. having made a degrading peace with the Numantines. Cp. § 100 *erat in meliore causa*, I § 112, II § 61.

l. 25. deprecante] 'begging to be let off,' *παραιτουμένου*. By *lex* is meant the law for delivering him up to the enemy.

hic] 'in this case,' viz. that of Pompeius, § 89 *hic alio ducit humanitas*.

l. 26. superiores] Veturius, Postumius and Mancinus.

§ 110, l. 28. at non debuit] the answer to § 103 l. 28.

l. 29. quasi vero forti viro vis possit adhiberi] The doctrine of the Stoics, that the wise man cannot be forced, follows from their theory of the freedom and self-sufficiency of the wise man. Seneca de benef. III c. 20 *corpora obnoxia sunt et adscripta dominis, mens quidem sui iuris.—Corpus itaque est quod domino fortuna tradidit; hoc emit, hoc vendit: interior illa pars mancipio dari non potest. Ab hac quidquid venit liberum est.* On *quasi vero* see § 39 l. 28 n.

l. 30. cur igitur] i.e. *si nulla vi cogi potuit.*

l. 31. cum praesertim] II § 56.

l. 33. non enim] § 62, § 108.

suo iudicio stetit] i. q. in s. i. acquievit (*ἐνέμεινε*): 'for he (Regulus) did not rest upon, was not determined by, his own judgment, but undertook the cause (i.e. pleaded it like an advocate in a court of law), leaving the issue to the senate.' Cp. § 96 *stare conventis*, Tusc. II § 63 *te si in oculis multitudinis sis, tamen eius iudicio stare nolim*, V § 81 *omnia ad suum arbitrium referre, suis stare iudiciis*, ep. ad Att. VIII 4 *tuo potius stabam iudicio quam meo*, Cluent. § 96 *his rebus iudicatis standum.*

l. 34. cui] sc. senatui.

auctor] § 109 l. 19.

P. 135, l. 1. nam quod aiunt] 'for, as to their assertion,' § 84, § 105, I § 118, Madvig Gr. 398 b *obs.* 2. 'Nam quod, formula transeundi et conectendi. Cic. ep. ad Att. III 10 *nam quod me tam saepe obiurgas*, Terent. Adelph. prolog. 15 *nam quod isti dicunt malevoli.*' Ruhnken *dictata ad Ter. Haut. T. prolog.* 16.

l. 3. immo vero] *dicendum erat*, or *dicere debuerunt*, must be understood from *aiunt*. Cicero means that a thing cannot be made right by its being expedient, if it were otherwise wrong, for, as he has already shewn, Rectitude and Expediency coincide.

l. 4. quod idem] I § 63 l. 33, II § 10 l. 10, Zumpt Gr. § 697.

l. 6. dixerit] § 102 l. 34.

hoc exemplo] sc. of Regulus.

praestantius] sc. aliquod esse exemplum.

CHAPTER XXXI

§ 111, l. 8. ex tota hac laude] i.e. *cum multa sint laudanda*, 'of all that is thus meritorious in the conduct of Regulus this act above all others demands our admiration, that he voted for the detention of the prisoners.'

l. 12. non est hominis, sed temporum] II § 76.

l. 16. in duodecim tabulis] de leg. II § 22 *periurii poena divina exitium, humana dedecus.*

indicant sacratae] Festus p. 318 *sacratae leges sunt, quibus sanctum est, qui quid adversus eas fecerit, sacer alicui deorum sit cum familia pecuniaque.*

l. 18. notiones animadversionesque censorum] 'the examinations of the censors and the punishments inflicted by them.' Pro Sest. § 55 *censoria notio et gravissimum iudicium sanctissimi magistratus*, de prov. cons. § 46 *statuendum est censorium iudicium ac notionem et illud morum severissimum iudicium magisterium non esse nefariis legibus de civitate sublatum*, in Pis. § 10, pro domo § 34 *notio pontificum*, A. Gell. XVII 18 *notiones censorias*, Liv. XXVII 25 where see Gronovius.

l. 19. iudicabant] 'used to judge,' implying that their power had perished with the Commonwealth.

§ 112. L. Manlio] L. Manlius A.F.A.N. Capitolinus Imperiosus, dictator B.C. 363, *clavi figendi caussa creatus, perinde ac rei publicae gerendae ac non solvendae religionis gratia creatus esset, bellum Hernicum affectans, delectu acerbo iuventutem agitavit; tandemque, omnibus in eum tribunis plebis coortis,—dictatura abiit. Neque eo minus principio insequentis anni —dies Manlio dicitur a M. Pomponio tr. pl.* Liv. VII 3, 4. [Cp. Seneca de benef. III 37, 4 *vicit patrem imperiosum quidem* Manlius: *qui cum ante tempus relegatus esset a patre ob adulescentiam brutam et hebetem, ad tribunum plebis, qui patri suo dixerat diem, venit petitoque tempore, quod ille dederat sperans fore proditorem patris invisi, et bene meruisse se de iuvene credebat, cuius exilium pro gravissimo crimine inter alia* Manlio *obiciebat, nanctus adulescens secretum stringit occultatum sinu ferrum et* 'nisi iuras' *inquit* 'te diem patri remissurum, hoc te gladio transfodiam. in tua potestate est, utro modo pater meus accusatorem non habeat.' *Iuravit tribunus nec fefellit et causam actionis remissae concioni reddidit. Nulli alii licuit inpune tribunum in ordinem redigere.* J. E. B. M.]

l. 21. diem dixit] 'gave formal notice of an impeachment,' Ramsay, *Rom. Antiq.* p. 288.

quod—addidisset] subj. in suboblique causal clause P. S. Gr. p. 459, Madvig Gr. § 357 a, Roby Gr. II 1744.

l. 24. quod cum audivisset—filius, negotium exhiberi cet.] Madvig Gr. § 449; *negotium exhiberi* (§ 102) is epexegetic of *quod*: cp. II § 29, III § 102 *hoc commune est—numquam nec irasci deum nec nocere.*

l. 25. cum primo luci] The MSS have *cum prima luce*, Bern. c. *primo lucis.* Nonius p. 210 says expressly that Cicero in the present passage used *lux* in the masculine. It is probable therefore that the original reading here was *primo luci. Lux* is found in the masculine in the locative

in Plautus Aul. IV 10, 18 (741) *luci claro* where see Dr Wagner's note p. 150, Cist. II 1, 58, Ter. Adelph. V 3, 55 *cum primo luci.*

l. 26. Pomponii domum] Zumpt Gr. § 400.

l. 27. qui—arbitraretur] 'inasmuch as he thought,' an adjectival causal clause, P. S. Gr. § 210, Madvig Gr. § 366.

l. 28. remotis arbitris] 'when he had put out of the room all witnesses.' Verr. II 31 § 80 *ab* arbitris *remoto loco*, 'in a spot safe from intruders,' Sall. Cat. c. 20 *omnibus* arbitris *procul amotis.* Arbiter is from ar (ad) and the root BIT 'to go,' Long Verr. p. 577, Peile Gr. and Lat. Etym. p. 339—340.

l. 29. ut] i.q. postquam, § 38.

l. 31. dedisset] On the tense see § 77 n.

l. 33. causa desistere] 'to drop the prosecution,' § 15 *desistunt facile sententia*, Zumpt Gr. § 564.

P. 136, l. 1. ad Anienem] 'by the Anio,' B.C. 340, when he and his colleague P. Decius Mus gained the great victory over the Latins at the foot of Vesuvius, which established for ever the supremacy of Rome over Latium.

l. 2. cognomen invenit] de div. I § 16 *quae* nomen *ex imperatore* repperit, Tusc. IV § 49 *Torquatum quidem illum, qui hoc* cognomen invenit, de fin. I § 23 *eum Torquatum qui hoc primus* cognomen invenit, de leg. I § 58 *sapientia, a cuius amore graeco verbo philosophia* nomen invenit.

ad Veserim] 'by the Veseris,' a river in Campania near Mount Vesuvius. The battle is commonly called 'the Battle of Vesuvius.' It was in the Latin war and is celebrated for the devotion to death of Manlius' colleague P. Decius Mus, Livy VIII 1 *pugnatum est haud procul radicibus Vesuvii montis, qua via ad* Veserim *ferebat.*

l. 3. perindulgens] sc. fuerat.

l. 4. acerbe severus] cp. Tusc. V § 6 *impie ingratus*, de or. III § 202 *distincte concisa brevitas.*

in filium] whom he ordered to be beheaded for fighting contrary to orders although successfully, thereby exhibiting an extraordinary example of discipline. This was just before the battle of Vesuvius, Livy VIII 7 ff. Hence the expression Manliana *imperia* to signify 'any unnatural rigour.' See Mozley's *Ruling Ideas in early Ages*, 2d ed. pp. 58—59.

CHAPTER XXXII

§ 113, l. 6. decem illi cet.] The same story is told I § 40, where see note. Aulus Gellius N. A. VII 18 says that two of the ten returned, and that their *fraudulenta calliditas* was reckoned so *turpis* that they were *contempti vulgo discerptique*, and that the censors (one of whom according to Valerius Maximus II ix 8 was the son of the Regulus just mentioned) visited them afterwards *omnium notarum et damnis et ignominiis, quoniam, quod facturos deiuraverunt, non fecissent.* See also Livy XXII c. 61.

l. 7. iuratos cet.] i.e. *cum iurassent se in castra redituros esse.*

l. 8. quorum erant potiti] 'of which they were in possession.' Madvig Gr. § 265, Roby Gr. II 1334. The Romans had two camps on the banks of the Aufidus. Hannibal took both on the same conditions, that the horses and arms should be given up and the captives be ransomed: out of the larger one a great part of the garrison had already broken through the enemy's lines and made their escape to Canusium.

l. 9. nisi impetravissent] § 112 l. 31.

l. 10. si non redierunt] 'if it is true that they did not return.' Cicero adds these words, because accounts differ, as to whether they returned or not. In I § 40 he says nothing about Polybius' account.

non omnes uno modo] sc. narrant.

l. 11. bonus auctor imprimis] 'a highly trustworthy authority,' § 97 l. 12 *optimum auctorem*, i.e. fide dignissimum. Polybius, the eminent historian, native of Megalopolis in Arcadia, was born about B.C. 204. He was chief of the Achaean league after Philopoemen and one of the 1000 Achaeans sent to Rome to answer the charge of not having assisted the Romans against Perseus. At Rome he remained seventeen years in the house of Aemilius Paulus, of whose son, Scipio Africanus minor, he became the friend, and joined him in his campaign at Carthage and was present at the destruction of that city B.C. 146. His history, consisting of forty books, was divided into two parts. The first part comprises a period of fifty-three years, beginning with the second Punic war B.C. 218, and ending with the conquest of the Macedonian kingdom B.C. 168. The second part comprised the period from the conquest of Perseus to the fall of Corinth B.C. 146. The passage here referred to is in a fragment of Book VI 56 ff. Livy XXII 61 says that according to one account they all remained behind in Rome, and only the three returned, whom Hannibal had sent after them, because they did not return as soon as he expected.

l. 12. The words *novem revertisse—postquam erat* are wanting in the best MSS, they are found in Bern. c.

l. 14. redisset] subjunctive in clause dependent on an infinitive.

quasi aliquid esset oblitus] 'on the pretence of having forgotten something.'

l. 16. interpretabatur] 'put this construction upon it,' 'explained it to mean.'

fraus astringit, non dissolvit periurium] 'deceit aggravates (lit. binds closer), does not loosen, undo perjury.' Cp. § 19 se astrinxit *scelere*, pro Planc. § 74 *huius officii tanti servitutem* astringebam *testimonio sempiterno.* The reading of the best MSS *distringit* yields no sense.

l. 18. imitata prudentiam] 'which seeks to pass for wisdom,' § 71 *ea malitia quae volt videri se esse prudentiam*, § 72 *in malitia simulatio intellegentiae*, § 96 *de prudentia quam vult imitari malitia.*

l. 19. veterator et callidus] § 57.

§ 114, l. 21. octo milia] Liv. XXII 58, 61.

quos cepisset] consecutive subj.

l. 22. periculo mortis diffugissent] 'had escaped in the peril of death.' *Periculo* is a temporal ablative as *pace, bello, tumultu.* Polybius says in the passage which Cicero had in his eye VI 58, 6 *οὔτε γὰρ ἀποδεδειλιακέναι κατὰ τὴν μάχην οὔτ' ἀνάξιον οὐδὲν πεποιηκέναι τῆς Ῥώμης, ἀλλ' ἀπολειφθέντας τὸν χάρακα τηρεῖν, πάντων ἀπολομένων τῶν ἄλλων ἐν τῇ μάχῃ τῷ καιρῷ περιληφθέντας ὑποχειρίους γενέσθαι τοῖς πολεμίοις.*

l. 23. relicti—a Paulo et a Varrone] after the battle of Cannae, Liv. XXII 10.

l. 24. non censuit] I § 39 l. 10.

l. 25. cum id parva pecunia fieri posset] 'although it might have

been done (*redimi possent* see n. to I § 4) for a small sum of money,' for three minae apiece according to Polybius, according to Livy XXII 58, 4 *pretium fore in capita equiti quingenos quadrigatos numos* (i.e. denarios), *trecenos pediti, servo centenos*, A. Gell. VI 18 *pro iis, quos alteri plures acciperent, darent argenti pondo libram et selibram.*

ut esset insitum] final subjunctive.

l. 28. scribit idem] Polybius VI 58, 13 *ὥστε τὸν Ἀννίβαν μὴ τοσοῦτον χαρῆναι νικήσαντα τῇ μάχῃ Ῥωμαίους ὡς συντριβῆναι καταπλαγέντα τὸ στάσιμον καὶ τὸ μεγαλόψυχον τῶν ἀνδρῶν ἐν τοῖς διαβουλίοις.*

l. 29. honestatis comparatione] 'by a comparison with rectitude,' cp. Brut. § 173 *erant ea in Philippo quae, qui sine* comparatione illorum *spectaret, satis magna diceret.*

§ 115, l. 30. Acilius] C. Acilius Glabrio was probably a contemporary of Cato Censorius. Aulus Gellius N. A. VII 14, 9 records that on occasion of the visit of Carneades, Diogenes and Critolaus, as a deputation from Athens to Rome (B.C. 155) to deprecate the fine of 500 talents imposed on the Athenians for the destruction of Oropus in Boeotia, Acilius acted as their interpreter to the senate. According to Chapman he was a Greek by birth, not a Roman, since he is not mentioned by Cicero in his *Brutus* among the Romans who wrote a history in Greek, but Duker differs from him. Cp. Plutarch Cat. c. 22, Macrob. Saturn. I 5. His history appears to have contained an account of the Punic wars and was translated by Claudius, Liv. XXV 39 § 12 *Claudius qui* annales Acilianos *ex Graeco in Latinum sermonem vertit*, XXXV 14, 5 *Claudius secutus Graecos* Acilianos libros.

l. 31. qui—revertissent] § 113 l. 14.

l. 32. a censoribus] sc. M. Atilius Regulus (son of the famous Regulus § 113 l. 6), and P. Furius Philus B.C. 214; Liv. XXII 61, 9 *ceterum proximis censoribus adeo omnibus notis ignominiisque confectos esse, ut quidam eorum mortem sibi ipsi extemplo consciverint, ceteri non foro solum omni deinde vita, sed prope luce ac publico caruerint.* Aulus Gell. N. A. VII 18 quoted above.

l. 33. ignominiis] I § 40. **huius loci** 'of this topic,' viz. the comparison between expediency and magnanimity, § 96.

P. 137, l. 2. fuissêt—si] 'would have been, if,' conditional subj.

l. 3. opus esse] i.q. expedire, § 49 *id sciri* non opus *esse.*

l. 5. quia sint] subj. in dependent clause § 113 l. 14.

CHAPTER XXXIII

§ 116, l. 7. quarta pars] § 96. **decore**] § 101.

l. 10. virtutum choro] The same expression occurs Tusc. V § 13.

l. 11. ab Aristippo Cyrenaici] in imitation of the Gk. *οἱ ἀπὸ Πλάτωνος* and similar expressions, Zumpt Gr. § 304. So pro Mur. § 63 *nostri illi* a *Platone et Aristotele* i.e. Academici et Peripatetici, de orat. II § 58 *post* ab *Aristotele Callisthenes*, ib. § 160 *erat enim* ab *isto Aristotele*, de fin. IV § 7 *Zeno et* ab *eo qui sunt.* Aristippus, born at Cyrene and founder of the Cyrenaic school of philosophy, flourished about B.C. 370. He deviated, both in principle and practice, very far from the teaching and example of his master Socrates. The anecdotes told of him in Diog. Laert. do not give us the notion of one who was the mere slave of his passions, but rather of one who took a pride in extracting enjoyment from all circumstances and in controlling prosperity and ad-

versity alike (Diog. Laert. II 66 *ἦν δὲ ἱκανὸς ἁρμόσασθαι καὶ τόπῳ καὶ χρόνῳ καὶ προσώπῳ καὶ πᾶσαν περίστασιν ἁρμονίως ὑποκρίνασθαι*). Hence Horace says (Ep. I 1, 18) to observe his precepts is *mihi res, non me rebus subiungere*, and (I 17, 23) *omnis* Aristippum *decuit color et status et res.* To Xenophon and Plato he was very obnoxious. Aristotle too calls him a sophist. The Cyrenaics divided philosophy into five parts, viz. the study of (1) objects of desire and aversion, (2) feelings and affections, (3) actions, (4) causes, (5) proofs.

1. In the first alone of these divisions is the Cyrenaic view connected with the Socratic. Aristippus taking up the Socratic position that happiness (i.e. the enjoyment of a well-ordered mind) is the aim of all men, pronounced pleasure the chief good and pain the chief evil, the *τέλος* of human life to be momentary pleasure (*μονόχρονος, μερική*): present happiness therefore was to be sought, and not *εὐδαιμονία*, which is the sum of a number of happy states. In this point the Cyrenaics were opposed to the Epicureans. All pleasures were considered equal: so that a man should never covet more than he possesses and never let himself be overcome by sensual enjoyment. Even with these concessions the Cyrenaic system destroys all moral purity, by proposing to a man as many separate *τέλη* as his life contains moments.

2. Pleasure and pain are both positive, both motions of the soul (*ἐν κινήσει*). Epicurus, on the other hand, thought pleasure to be a state of rest (*ἀταραξία*).

3. Actions are in themselves morally indifferent, and made good and bad only by law and custom. Whatever conduces to pleasure, is virtue.

4. Knowledge is sensation and *πάντων μέτρον ἄνθρωπος.*

See *Dictionary of Biogr.* Vol. I p. 298 ff.

l. 12. Anniceril] 'the followers of Anniceris (*Ἀννικέρειοι*).' Anniceris was probably a contemporary of Alexander the Great; he forms a link between the Cyrenaic and Epicurean schools. He was opposed to Epicurus in two points: (1) he denied that pleasure was merely the absence of pain, for if so death would be a pleasure; and (2) he attributed to every separate act a distinct object, maintaining that there was no general end of human life. He differed from Aristippus, inasmuch as he allowed that friendship, patriotism and similar virtues were good in themselves. *Dict. of Biogr.* I p. 180. *Οἱ δὲ Ἀννικέρειοι καλούμενοι ἐκ τῆς Κυρηναϊκῆς διαδοχῆς τοῦ μὲν ὅλου βίου τέλος οὐδὲν ὡρισμένον ἔταξαν· ἑκάστης δὲ πράξεως ἴδιον ὑπάρχειν τέλος, τὴν ἐκ τῆς πράξεως περιγιγνομένην ἡδονήν· οὗτοι οἱ Κυρηναικοὶ τὸν ὅρον τῆς ἡδονῆς Ἐπικούρου τούτεστι τοῦ ἀλγοῦντος ὑπεξαίρεσιν ἀθετοῦσιν, νεκροῦ κατάστασιν ἀποκαλοῦντες*, Clem. Alex. Stromm. II 498 B. Hence Cicero speaks of Epicurus as *eiusdem fere auctor adiutorque sententiae* (Diogen. Laert. II 89). His sect became so completely out of date (*quibus obsoletis*) after Epicurus' time, that no mention is made of them by any succeeding writers, such as Ammonius, Alexander Aphrodisiensis Iamblichus, Proclus or Simplicius, except Clemens Alexandrinus.

philosophi nominati] 'philosophers in name only:' fragm. or. pro Q. Gallio 2 *quidam poëta* nominatus, *homo perlitteratus, cuius sunt illa colloquia poëtarum et philosophorum*, cp. Tusc. V § 73 *Epicuro, qui tantum modo induit personam philosophi et sibi ipse hoc nomen inscripsit.*

l. 14. efficiens voluptatis] § 12 l. 19, II § 11 l. 23, Madvig Gr. § 425 b. *ποιητικὴ τῶν ἡδονῶν* is the phrase used by Epicurus ap. Diog. Laert. X 142.

l. 15. Epicurus] the celebrated Greek philosopher, belonged to the Attic *δῆμος* of Gargettus (whence he is sometimes called the Gargettian,

Cic. ad fam. xv 16), though he was born (B.C. 342) in Samos, where he spent the first eighteen years of his life. He afterwards went to Athens in B.C. 323 and thence to Colophon and Mitylene and Lampsacus, where he taught philosophy for five years. In B.C. 306 he went back to Athens and purchased the famous *κῆποι Ἐπικούρου* in which he established his philosophical school. Our principal source of information respecting him is the tenth book of Diogenes Laertius, besides the philosophical poem of Lucretius de rerum natura, Cicero de finibus and de natura deorum, who writes in a hostile spirit about his philosophy and unjustly brands him as a man devoted to sensual pleasures. Diogenes calls him *πολυγραφώτατος* and gives a list of the best of his works together with some of his letters and the *κύριαι δόξαι*, i.e. peculiar propositions, containing the substance of his ethical philosophy. His most important work was that *περὶ φύσεως* in 37 books, parts of which were discovered among the rolls at Herculaneum and have been published. Epicurus prided himself upon being *αὐτοδίδακτος*, but he was in reality indebted both to Democritus and the Cyrenaics. His ethical system arose from the peculiar circumstances of his time, when, in the absence of political freedom, thinking men endeavoured to establish an internal freedom based upon ethical principles: they regarded perfect independence, self-reliance, and contentment as the *summum bonum*, following the dogma of the Cyrenaics that pleasure constitutes the highest happiness and consequently must be the end of all human exertions. But pleasure with him was conceived of not as a mere momentary and transitory sensation, but as something lasting, which consisted in pure and noble mental enjoyments, and freedom from pain and disturbing influences (*ἀταραξία* and *ἀπονία*),—peace of mind based upon *φρόνησις*, which he described as the beginning of everything good, as the origin of all virtues, and even as the *summum bonum* itself. In the physical part of his philosophy he adopted the atomic theory of Democritus, as we know from Lucretius. His ethical doctrines were much mistaken in after ages, and made to minister to mere sensuality. At Rome, owing to the paramount influence of the Stoical philosophy, they never took firm root. See *Dict. of Gr. and Rom. Biogr.* Vol. II p. 33 ff., Zeller *die Philosophie der Griechen* III erste Abth. p. 341 ff.

l. 17. viris equisque] 'with might and main,' cp. II § 84 *armis et castris*, Ter. Andr. I i, 134 *manibus pedibusque*, Tusc. III 11, 25 *velis remisque*, Plaut. Asin. I 3, 5 *remigio veloque, quantum poteris, festina et fuge*.

ut dicitur]=*ut aiunt*, 'as the proverb is.'

§ 117, l. 20. constitutionis] sc. permansurae.

l. 21. Metrodoro] Metrodorus (*Μητρόδωρος*) of Lampsacus was the most distinguished of the disciples of Epicurus, who would have appointed him his successor had he survived him. He died B.C. 277 in his 53rd year. The philosophy of Metrodorus was more sensual than that of his master (Cic. de nat. deor. I § 113, Tusc. V § 27, de fin. II § 99, § 101). Perfect happiness according to him consisted in having a well-constituted body and in knowing that it would always remain so, de fin. II § 92 Metrodorus, *paene alter Epicurus, beatum esse describit his fere verbis; cum corpus bene constitutum sit et sit exploratum ita futurum*, Tusc. II § 17 Metrodorus *perfecte eum beatum putat, cui corpus bene constitutum sit et exploratum ita semper fore*. The original Greek words are preserved in Clemens Alex. Strom. II p. 417 C *ὁ δὲ Ἐπίκουρος πᾶσαν χαρὰν τῆς ψυχῆς οἴεται ἐπὶ πρωτοπαθούσῃ τῇ σαρκὶ γενέσθαι, ὅτε Μητρόδωρος ἐν τῷ περὶ τοῦ μείζονα εἶναι τὴν παρ' ἡμᾶς αἰτίαν πρὸς εὐδαιμονίαν τῆς ἐκ τῶν πραγμάτων, Ἀγαθόν, φησι, ψυχῆς τί ἄλλο ἢ τὸ σαρκὸς εὐσταθὲς κατάστημα καὶ τὸ περὶ ταύτης πιστὸν ἔλπισμα;*

l. 22. et quidem summa] 'and, what is more, the chief,' I § 104, II § 7.

l. 23. nam ubi—locus dabitur] 'for what place will prudence occupy in his system?'

l. 25. suavitates] i.e. voluptates.

l. 26. quod autem munus prudentiae] 'what is the function of prudence? is it anything else or is it etc.' See note to § 105 l. 14.

Before *ut conquirat* we must supply *is locus dabitur*, cp. de fin. II § 50 *cum honestatem eo loco habeat, ut sine ea iucunde neget posse vivi*.

l. 27. legere intellegenter voluptates] i.e. a salutaribus noxias, a magnis parvas, a diuturnis breves secernere. *H.*

isto] sc. munere.

l. 28. iam] 'then again.' Kühner ad Tusc. I § 2.

l. 32. id spectandum est, quid dicat] quid dicat is an epexegesis of id, § 112 l. 24.

l. 33. consentaneum] I § 6.

ei qui terminaverit] Consecutive subjunctive, 'to one who limited,' i.e. acknowledged nothing as good but pleasure, nothing as evil but pain.

l. 34. ut] 'as for example,' I 59 l. 19, 84 l. 25.

l. 35. ille quidem] see n. to I § 2, § 60, § 95, III § 71.

P. 138, l. 1. aqua haeret] i.e. exitum non reperit, 'he comes to a stand-still,' 'gets stuck fast,' 'is gravelled,' metaphor from a watercourse the flow of which is obstructed. Cp. ad Quint. fr. II 8, 2 *in hac causa mihi* aqua haeret.

l. 2. is, qui ponat] Consecutive subjunctive, 'a man who places,' Zumpt Gr. § 556.

l. 4. libidinum inimica] § 96 *virtutis* inimica, Tusc. IV § 34 inimicissimi *mentis vitaeque tranquillae*.

§ 118, l. 5. tribus generibus] I § 18. He refers to Wisdom, Fortitude, Temperance.

l. 6. tergiversantur] 'they shift and turn' so as to make their own doctrines square with truth. 'Exemplum habes,' says Heusinger, lib. I de fin. c. 9 sqq., 'ubi Torquatus Epicureus cum voluptate virtutis praecepta conciliat.' Cp. Tusc. III § 41 *quid* tergiversamur, *Epicure, nec fatemur?*

l. 8. expediunt] 'explain so as to reconcile with their notions,' make it out as well as they can.

l. 9. tradunt] i.e. docent eam esse.

l. 11. illi quidem] Above, l. 35.

l. 12. voluptatis magnitudinem cet.] 'that the greatness of pleasure,' pleasure in its highest form, amounts to no more than the absence of pain, i.e. is confined to the removal of pain, it does not go any further or admit of increase, it is susceptible of variety only. **Doloris detractione finiri** is used like *voluptate terminari*, § 117 l. 35. Cp. Diog. Laert. X 139 *ὅρος τοῦ μεγέθους τῶν ἡδονῶν ἡ παντὸς τοῦ ἀλγοῦντος ὑπεξαίρεσις*, ib. 128 *ὅταν δὲ μὴ ἀλγῶμεν, οὐκέτι τῆς ἡδονῆς δεόμεθα*, Seneca ep. 16, 7 *sicut quod ab Epicuro dictum est: si ad naturam vives, numquam eris pauper, si ad opiniones, numquam eris dives. Exiguum natura desiderat, opinio immensum*, Cic. de fin. II § 10 *cui omnis dolor detractus esset, variari, non augeri voluptatem.*

iustitia vacillat] These three virtues stand up pretty well, but

Justice, the fourth, totters, shews its rottenness and untenableness. Justice, Epicurus taught, is necessary for the sake of peace of mind, since the unjust man must live in continual fear of punishment from gods and men. See Cic. de fin. I § 50 where the three other virtues are considered in detail from an Epicurean point of view.

l. 13. **vel iacet potius**] 'or rather, I should say, is disregarded.' Cp. § 46, § 79, de fin. 2 § 117 *maximas—virtutes* iacere *omnes necesse est voluptate dominante.*

l. 14. **communitate**] I § 20.

l. 15. **neque enim bonitas—esse potest—si haec non per se expetantur**] See Madvig Gr. § 348 e *obs.* 3, who quotes Caes. B. C. III 44 *Caesar munitiones prohibere non poterat, nisi proelio decertare* vellet, as another similar example of a conditional proposition in the conjunctive being subjoined to one containing *non possum* with the infinitive. Cp. also de fin. I § 54 *ne ipsarum quidem virtutum laus—reperire potest exitum, nisi dirigatur ad voluptatem.*

l. 16. **non plus**] § 38 l. 24, § 89 l. 18.

amicitia] Friendship is according to Epicurus one of the greatest blessings of life, de fin. I 65 *Epicurus ita dicit omnium rerum, quas ad beate vivendum sapientia comparaverit, nihil esse maius* amicitia, *nihil uberius, nihil iucundius;* so that the wise man ought to be ready to sacrifice his life for his friend; but in conformity with his fundamental principle that nothing but pleasure is in itself worthy, he taught that friendship was limited by pleasure, i.e. the advantages which it confers.

l. 17. **conferamus in pauca**] Quae multis verbis disputavimus, paucis complectamur. *H.* Plautus Menaech. prolog. 6 *in verba* conferam *paucissima.*

§ **119**, l. 19. **omnem voluptatem honestati esse contrariam**] Such at least was the doctrine of the staunchest Stoics: Sext. Empir. adv. math. XI 73 *Κλεάνθης μὲν μήτε κατὰ φύσιν αὐτὴν (τὴν ἡδονὴν) εἶναι μήτε ἀξίαν ἔχειν αὐτὴν ἐν τῷ βίῳ.—Παναίτιος δέ τινα μὲν κατὰ φύσιν ὑπάρχειν, τινὰ δὲ παρὰ φύσιν.* Cicero has in view chiefly gross sensual indulgence, as is the case in all his attacks upon the Epicurean system.

l. 21. **Calliphonem et Dinomachum**] Calliphon and Dinomachus tried to follow a middle path between the Stoics and Epicureans, considering the chief good to consist in the union of virtue with bodily pleasure. Clem. Alex. Strom. II § 128 explains the doctrine further:—*κατὰ τοὺς παρὰ* Καλλιφῶντα *ἕνεκα μὲν τῆς ἡδονῆς παρεισῆλθεν ἡ ἀρετή, χρόνῳ δὲ ὕστερον τὸ περὶ αὐτὴν κάλλος κατιδοῦσα ἰσότιμον ἑαυτὴν τῇ ἀρχῇ τουτέστι τῇ ἡδονῇ πάρεσχεν,* i.e. pleasure and virtue are both of them ends to man, but pleasure is so from the first, while virtue only *becomes* so after experience. Cp. de fin. V § 21 *iunctae autem et duplices expositiones summi boni tres omnino fuerunt ... Nam aut voluptas adiungi potest ad honestatem, ut* Calliphonti Dinomachoque *placuit, aut doloris vacuitas, ut Diodoro, aut prima naturae ut Academicis Peripateticisque,* Tusc. V c. 30 *sunt haec de finibus sententiae: primum* simplices *quattuor,* (1) *nihil bonum nisi honestum, ut Stoici:* (2) *nihil bonum nisi voluptatem ut Epicurus:* (3) *nihil bonum nisi vacuitatem doloris ut Hieronymus:* (4) *nihil bonum nisi naturae primis bonis aut omnibus aut maximis frui, ut Carneades contra Stoicos disserebat. Haec igitur simplicia, illa mixta: tria genera bonorum, maxuma animi, secunda corporis, externa tertia, ut Peripatetici, nec multo veteres Academici secus:* voluptatem cum honestate Dinomachus et Callipho copulavit, *indolentiam autem honestati*

Peripateticus Diodorus adiunxit. Hae sunt sententiae quae stabilitatis aliquid habeant; nam Aristonis, Pyrrhonis, Erilli nonnullorumque aliorum evanuerunt, de fin. II § 19, Ac. II § 139, Tusc. V § 85.

l. 23. **copulavissent**] § 77.

l. 25. **finis bonorum**] 'the limit of good' i.e. the chief good, *summum bonum.* The words *et malorum* are probably corrupt, as Cicero when speaking of both good and evil uses the plural *fines,* and also *malorum* is superfluous because Cic. is here speaking of the possibility of the union of virtue with pleasure as the highest spring of action.

l. 26. **misceri cet.**] 'be a compound and mixture of contradictory qualities.'

§ **120**, l. 27. **de hoc**] sc. fine bonorum.

l. 28. **alio loco**] sc. dictum est, in the second book *de finibus bonorum et malorum.* The ellipse of *dicere* or some verb of similar meaning is very common in Cic. See for exx. § 60 l. 32, § 106 l. 22, Nägelsbach Stilistik § 183, 1, Dräger hist. Synt. 1, 174, Index s. v. ellipsis.

l. 32. **ut tribuamus aliquid voluptati**] 'to make some admission in favour of pleasure,' not to exclude it altogether from consideration, a parenthetic final clause, I § 53, Kenn. Gr. p. 458.

l. 33. **condimenti nonnihil habebit**] 'will have somewhat of a relish,' 'serve as a sauce.' The pleasure or happiness of mind, which virtue calls forth, is not with the Stoics the end of virtue, but its sequel (*ἐπιγέννημα*).

§ **121**, l. 35. **perinde erit, ut cet.**] i.e. *tanti erit quanti feceris,* 'will be according to the use you make of it,' or 'according as you take it.' Sallust. Iug. 4 perinde *habeantur,* ut *eorum qui ea sustinent virtus est.*

P. 139, l. 1. **quamquam**] I § 30 l. 15, § 76 l. 17.

l. 2. **commentarios**] i.q. *ὑπομνήματα,* 'the lectures' of Cratippus to his pupils, n. to § 8 l. 23. The son writes to Tiro, ep. ad fam. XVI 21, *multum mihi eripitur operae in exscribendis* hypomnematis, i.e. 'the notes' taken down by himself from Cratippus' lectures.

l. 4. **patria revocasset**] Cp. ad fam. X 1, 1 *posteaquam de medio cursu reip. sum voce revocatus.* When Cicero found himself no longer secure in his country seat, and did not know which party to join, he set sail for Greece on the 17th July B.C. 44, but the wind drove his vessel back ashore. There he received intelligence of a change in political affairs, and heard that the strongest party did not approve of his voyage and also that M. Brutus invited him to work at Rome in the interest of his party; accordingly he returned to Rome. His death which happened on the 7th of December B.C. 43 prevented him from fulfilling his intention of visiting his son in Greece.

l. 5. **his voluminibus**] ablative of the manner.

l. 9. **absens loquar**] I 2 § 4, ad Att. XV 13, 6.

l. 10. **te quidem**] n. to I § 59.

l. 11. **monumentis praeceptisque**] 'records' 'memorials' (i. e. books) and the precepts which they contain. Cp. I § 156, ep. ad fam. VI 6, 3 *sapientissimorum virorum* monumentis *atque praeceptis. Que* is here epexegetic. Heine and Lund after Lambinus read *monitis* without any MS. authority, because *monita* and *praecepta* are commonly found in combination and *monumenta* is too imposing an expression for Cicero to employ here.

l. 12. laetabere] Observe the use of the fut. ind. notwithstanding the *oratio* obliqua. Heine quotes parallel instances from the or. Philipp. VIII § 27 (*postulat*) *tamdiu ut obtineat, dum M. Brutus C. Cassius consules prove consulibus provincias obtinebunt*, ib. XI § 30 (*senatui placere*) *ut, quamcumque in provinciam eius belli gerendi causa advenerit, ibi maius imperium C. Cassii pro consule sit, quam eius erit, qui eam provinciam tum obtinebit, cum C. Cassius pro consule in eam provinciam venerit.*

END OF NOTES ON THE THIRD BOOK

INDEX TO THE NOTES

The references are to Book, Section and Line

ADDITIONS AND CORRECTIONS

P. xliii. I ought to have included among the editions which I have made more or less use of, that of Henry Allen:—

de officiis libri tres. Emendavit et adnotatione brevi critica ac philologica instruxit Henricus Alanus A.B. Dublinii 1842.

Book I § 84 l. 4: in the *Cato maior* § 10, where the same lines of Ennius are quoted, Mr Reid adopts Bernays' emendation *plusque* for the MSS reading *postque*, remarking that *plusque magisque* is a variation upon the ordinary phrases *plus plusque, magis magisque.*

Book II § 75 l. 27: instead of *leges et proximae quaeque duriores*, Mr Reid in a note on the *Laelius* § 34 suggests that we should read *leges et proxima quaeque duriores* i.e. 'laws, and harsher, each of them, than its predecessor', on the ground that the best writers do not use the masc. or fem. plurals, only the neuter plural of *quisque*.

Since the proof sheets of the notes have passed out of my hands, the third volume of the fourth part of the new recension of Cicero's Works by C. F. W. Mueller has been published at Leipzig by B. G. Teubner. In most cases, where I have ventured to differ from Baiter and Heine, I am glad to find my judgment confirmed by such a careful Editor. The principal variations between his and my Text are given below:—

P. 8, l. 10. deceat, in factis dictisque qui modus *cum vett. edd. Non puto Ciceronem additurum fuisse* in factis dictisque, *si hoc dicere voluisset, solum hominem sentire, quid esset ordo, quid decentia, quid modus.*

P. 8, l. 16. conservandam, *coll. ep. ad fam.* X 25, 1 *istam operam tuam, navitatem, animum in remp. anteponendam, de off.* III 26 l. 33

P. 10, l. 28. quia suum cuiusque fit eorum, quae cet. *Hoc dicit Cicero, tenere id quemque debere, quod cuique obtigerit, quia eorum, quae olim fuerint communia, nihil non suum cuiusque fiat, ut contraria sint* suum cuiusque fieri—natura fuisse communia, *et* quod obtigit—id teneat, *responderentque inter se, sicut* quod obtigit *et* id teneat, *sic* quae communia

fuerant *et* ea fiunt, *nisi alterum necessario esset plurale, alterum singulare, quippe totum et pars*

P. 24, l. 6. 'illa' virgo 'viri': ílla virgó *non posse a poeta positum esse, id quod post Lachmannum creditum est, demonstrasse mihi videor in prosod. Plaut.* p. 330 *sqq., potest v. c.* illa autem

P. 38, l. 33. si tempore fit

,, ,, gravissimo homine

P. 39, l. 23. si—volumus, *coll.* § 146, l. 23, *or. Verr.* I 15, 38, *Philipp.* VII 6, 19, *nat. deor.* II 12, 33, *de rep.* I 34, 51

P. 40, l. 29. itemque

,, l. 30. † Mancia *cum cruce*

P. 44, l. 2. sine parentium disciplina

P. 45, l. 10. [et vitium]

P. 47, l. 21. venustas sit *Halmi admonitu*

P. 55, l. 25—26. ut est certe, necesse

P. 57, l. 3. remota communitate, *coll.* II § 63 *temeritate remota gratissima est liberalitas, Timaeus* § 3 *nullius rei causa remota reperiri origo potest, or. pro Planc.* § 39 *remota ratione illa, de nat. deor.* II § 98 *remota subtilitate disputandi, pro Arch.* § 32 *remota mea iudicialique consuetudine ex Jeepi emendat. corrupta a Kaysero addito a, Tusc. disp.* IV § 34 *separata utilitate.*

P. 68, l. 26. ac paret

P. 92, l. 16. persequentur. *non puto certos illius aetatis homines significari*

P. 112, l. 33. Xersen

P. 113, l. 1. atqui *non sine aliqua dubitatione*

P. 116, l. 11. tempori

P. 117, l. 2. Atqui

P. 137, l. 34. Ut, si illum audiam, de continentia et temperantia dicit ille quidem ...... ut aiunt : nam qui potest. *Iam hic sequitur tertia virtus, non v.* 2 *demum* nam qui potest temper. *Pro* ut *profecto scribendum* Et

P. 138, l. 21. Calliphontem

P. 139, l. 11. monitis

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